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1998

MINUTES

HAMILTON CITY COUNCIL

JUNE 30, 1998 ...

1998 June 30

Minutes of Hamilton City Council
Tuesday, 1998 June 30
7:30 o'clock p.m.
Council Chamber, City Hall

The Council met:

Present: Mayor Morrow.
Aldermen Kiss, Caplan, Horwath, Corsini, Morelli, Haining, Wilson, Copps,
Collins, Eisenberger, Jackson, Charters, Anderson, Kelly, D'Amico,
O'Sullivan.

Mayor R. M. Morrow called the meeting to order.

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The National Anthem was played.

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Father Dimitrios Tzaneters, Panagia Greek Orthodox Church, led Council in prayer.

PRESENTATIONS

Mayor R. M. Morrow and David Christopherson, M.P.P., presented the Municipal Sr. of the Year Award to Gwen Lee.

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Mayor R. M. Morrow presented Michael Temperley and Jim Skaratt with Certificates of Recognition.

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Mayor R. M. Morrow presented Dave Sherlock, General Manager of RaiLink Southern Ontario with a Certificate of Recognition.

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Mayor R. M. Morrow presented Trudy Parsons, Director - Keyin Technical College with a Certificate of Recognition.

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Mayor R. M. Morrow presented Domenic Persechini, Owner - Harbour Tower Apartments with a Certificate of Recognition.

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Mayor R. M. Morrow presented a Civic Award to Larry Eccleston, Sun Life Masters' Tennis Champion.

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Mayor R. M. Morrow presented Civic Awards to the following members of the Hamilton Seekers Volleyball Team for winning the National Midget Championship.

Team Members:

Sarah Vinall	Melissa Whaley	Bethany Petkoff	Candice Junior
Kelly Doumas	Lauren Cosentino	Lori Maloney	Lisa Spencer
Nicole Trombetta	Stephanie Car	Kendra Knoflook	Mieka Jackson

Coaches:

Mike Campanella	Stu McCarthy	Rob Luciani
George Vinall	Jerry Crapsi	Andy Burns
Dennis Collins	Frank Lilliman	

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Mayor R. M. Morrow presented Civic Awards to the following members of the Hamilton Team of the International Childrens' Games who recently competed in Spain.

Athletes:

Sarah Black	Rachael Hosford-Elliott	Stephanie Smith
Kahla Walkinshaw	Steven Caswell	Brian Chandler
Scott Dickens	Colin Jenkins	Danielle Brandino
Sarah Armstrong	Jessie Gillie	Karen Plantinga
Trumaine McLean	Jonathan Lemmond	Steven Coons
Kevin Peace		

Coaches:

Grey Fairley

Bill Urie

Executives:

Ed Dunn

John Kiriakopoulos

Phil Saresky

Joanne McBride

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Mayor R. M. Morrow presented Charlotte Fournier with a Certificate of Recognition.

ADOPTION OF MINUTES

The minutes of the meetings held: 1998 May 21 (two sessions); 1998 May 26 (regular); 1998 May 29 (special meeting) and 1998 June 11 (special meeting) and June 16 (special meeting) were adopted as circulated.

CORRESPONDENCE

1. Letter dated 1998 May 26 from R. Scott Smith, Secretary to the Board, Hamilton Harbour Commissioners, respecting the Financial Statements of the Hamilton Harbour Commissioners for the year ended December 31, 1997.

Referred to Finance and Administration Committee.

2. Letter dated 1998 June 16 from Greg Ballentine, AVGroup Consulting Services Limited, respecting Draft Airport Master Plan for Hamilton International Airport.

Referred to Planning and Development Committee.

3. Information Report dated 1998 June 5 from S. G. Hollowell, Acting City Clerk, respecting Appeals to By-law Number 98-091 Respecting Property at 135 Fennell Avenue West.

Received.

4. Application dated 1998 May 26 from Hampshire Properties Limited, c/o The Effort Trust Company, 242 Main Street East, Hamilton, Ontario, for a change in zoning from "C" (Urban Protected Residential, etc.) District to "R-4" (Small Lot Single Family Detached) District for Block "1" and for a change in zoning from "C" (Urban Protected Residential District to "R-4" (Small Lot Single Family Dwellings) District modified for lands located north of Stone Church Road East and south of Chipman Avenue, Hamilton, Ontario.

Received.

5. Application dated 1998 June 2 from Cantrico Investments Limited, 185 Nugent Drive, Hamilton, Ontario, for a further modification to the existing "H" (Community Shopping and Commercial, etc.) District for 1394 Upper Gage Avenue, Hamilton, Ontario.

Received.

6. Application dated 1998 June 5 from 723 Rymal Inc., 28 Corinthian Drive, Hamilton, Ontario, for an Official Plan Amendment to establish a Special Policy Area and for a change in zoning from "AA" (Agricultural) District to "DE-3" (Multiple Dwellings) District to permit 24 bungalow townhouse units and a community and residential care access centre containing 26 units for residential care, 26 units for interval care (short term care) and medical and associated commercial offices for lands located at 723 Rymal Road West, Hamilton, Ontario.

Received.

7. Facsimile dated 1998 June 29 from Ian Jennings, District Manager, Canadian Waste Services Inc., respecting property located at 245 Lottridge Street.

Received.

8. Letter dated 1998 June 30 from Stella Glover, Secretary, Mayor's Committee Against Racism and Discrimination, respecting Hamilton Status of Women Sub-Committee.

Received.

9. Photocopy of newspaper article, dated 1998 June 19, submitted by Mr. Neil Wickham respecting DisneyQuest high tech amusement arcades.

Received.

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It was moved by Alderman Kiss and seconded by Alderman Caplan that the Reports of the Committee of the Whole, the Transport and Environment Committee, the Parks and Recreation Committee, the Planning and Development Committee, the Finance and Administration Committee, the Hamilton-Scourge Steering Committee, and the Nominating Committee, be now considered in Committee of the Whole with Alderman Kelly in the chair.

Recorded vote.

YEAS: Mayor Morrow, Aldermen Kiss, Caplan, Horwath, Corsini, Morelli, Haining, Copps, Wilson, Eisenberger, Collins, Charters, Jackson, Anderson, Kelly, D'Amico, O'Sullivan. -17.

NAYS: -0.

CARRIED.

TRANSPORT AND ENVIRONMENT COMMITTEE - EIGHTH REPORT

PARKS AND RECREATION COMMITTEE - SEVENTH REPORT

PARKS AND RECREATION COMMITTEE - EIGHTH REPORT

PLANNING & DEVELOPMENT COMMITTEE - THIRTEENTH REPORT

Section 6 Re: Zoning Application - 260 Melvin Avenue

Recorded Vote:

YEAS: Mayor Morrow, Aldermen Kiss, Caplan, Horwath, Corsini, Morelli, Haining, Copps, Eisenberger, Collins, Charters, Jackson, Anderson, Kelly, D'Amico, O'Sullivan. -16.

NAYS: Alderman Wilson. -1.

CARRIED.

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Section 8 Re: Official Plan Amendment - Rental Housing Stock

Recorded Vote:

YEAS: Aldermen Caplan, Corsini, Eisenberger, Charters, and D'Amico. -5.

NAYS: Alderman Kiss, Horwath, Morelli, Haining, Copps, Wilson, Collins, Jackson, Anderson, Kelly, and O'Sullivan. -11. **LOST.**

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Section 30 Re: Official Plan Amendment - Rental Housing Stock, Bill C-88

It was moved by Alderman Horwath and seconded by Alderman Kiss that Section 30, Subsection (j) regarding Bill-C-88 being a By-law to adopt Official Plan Amendment No. 151 Respecting Protection of the Rental Housing Stock within the City of Hamilton be deleted.

CARRIED.

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Rule No. 9 Re: Zoning Change - 400 York Boulevard and 16 Magill Street

It was moved by Alderman D'Amico and seconded by Alderman O'Sullivan that Rule No. 9 of the City's Procedural By-law 95-167 be invoked for this meeting of City Council in order to permit consideration of a resolution respecting the removal of the Holding provision for property located at 400 York Boulevard and 16 Magill Street.

CARRIED.

Section 31 Re: Zoning Change - 400 York Boulevard and 16 Magill Street

It was moved by Alderman D'Amico and seconded by Alderman O'Sullivan that the Thirteenth Report of the Planning and Development Committee for 1998 be amended by adding Section 31 as follows:

31. (a) That approval be given to the removal of the 'H' - Holding provision under Section 36 of the Planning Act, to permit the use of the lands for residential development and a parking lot, for properties located at Nos. 400 York Boulevard and 16 Magill Street (ZAC 98-05), as shown on the attached map marked as APPENDIX "U".

- (b) That the Director of Planning be directed to prepare a By-law to amend Zoning By-law No. 6593, as amended by By-law No. 98-148, and Zoning District Map W-11, in a form satisfactory to the City Solicitor, for presentation to City Council.
- (c) That the Commissioner of Building be authorized to issue the appropriate building permits upon the registration of Inhibiting Orders on title to the 16 Magill Street and 400 York Boulevard lands.

CARRIED.

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Section 32 Re: By-laws to Amend Zoning - 400 York Boulevard and 16 Magill Street

It was moved by Alderman D'Amico and seconded by Alderman O'Sullivan that the Thirteenth Report of the Planning and Development Committee for 1998 be amended by adding Section 32, Subsection (a) and (b) as follows:

- 32. (a) C-90 A By-law to Amend Zoning By-law No. 6593 As Amended by Zoning By-law No. 98-148 Respecting Lands located at Nos. 400 York Boulevard and 16 Magill Street.
- (b) C-91 A By-law to Amend Zoning By-law No. 6593 Respecting Land located at 237-247 Centennial Parkway North. **CARRIED.**

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Section 33 Re: Official Plan Amendment - Rental Housing Stock

It was moved by Alderman Horwath and seconded by Alderman Kelly that the following be added as Section 33 of the Thirteenth Report of the Planning and Development Committee for 1998.

- 33. That approval be given to the proposed Official Plan Amendment to establish policies and to introduce a new Schedule for the protection of the rental housing stock, on the following basis:
 - (a) That a new Schedule "K" - Local Market Housing Zones be added to the Official Plan;
 - (b) That the following new policies be added to Subsection C.7 - Residential Environment and Housing Policy as follows:

"C.7.11 To protect the adequate provision of a full range of housing, conversion to condominium of rental apartment and/or townhouse units comprised of six or more units will be permitted provided all of the following criteria are met:

- i) the rental vacancy rate by dwelling/structure type for the City and the respective local housing market zone has been at or above 2.0% for the preceding twenty-four (24) months;
- ii) the proposed conversion will not reduce the rental vacancy rate by dwelling/structure type to below 2.0% for the City and the respective local housing market zone;
- iii) the existing market rent levels for the units proposed to be converted are not significantly below the average market rent levels for the City and the respective local housing market zone for rental units of a similar dwelling/structure type.

C.7.12 Demolition of rental apartment and/or townhouse units comprised of six or more units will be permitted provided one of the following criteria is met:

- i) the building is determined to be structurally unsound through the submission of a structural audit, prepared by a qualified professional, and such audit is deemed acceptable by the City; or,
- ii) the criteria as set out in Policy C.7.11.

C.7.13 i) For the purposes of policies C.7.11 and C.7.12, the statistical data used for vacancy rates, rent charges, dwelling/structure types will be determined by the Canada Mortgage and Housing Corporation (CMHC).

ii) Schedule "K" identifies the following local housing market zones for purposes of analyzing the Hamilton housing market:

- a) Downtown/Central Hamilton
 - b) Central East Hamilton
 - c) East Hamilton
 - d) West Hamilton
 - e) Hamilton Mountain"
- (c) That the Director of Planning and Development be directed to prepare a by-law, in a form satisfactory to the City Solicitor, for submission to the Regional Municipality of Hamilton-Wentworth for approval.
- (d) That the Council adopted policy in regard to condominium conversions and demolitions endorsed by Council on May 26, 1998 be rescinded; and,
- (e) That Planning and Development Department staff undertake a review of the Official Plan policies in regard to condominium conversions and demolitions within a two-year period.

It was subsequently moved by Alderman Caplan and seconded by Alderman Charters that the resolution of Alderman Horwath respecting "the proposed Official Plan Amendment to establish policies and to introduce a new schedule for the protection of the Rental Housing Stock", added as Section 33 of the Thirteenth Report of the Planning and Development Committee for 1998, be amended by deleting the words "two-year" in sub-section (e) and replacing them with the words "one-year" in lieu thereof.

Recorded Vote:

YEAS: Aldermen Caplan, Corsini, Eisenberger, Collins, Charters, Jackson, Anderson, D'Amico, O'Sullivan. -9.

NAYS: Aldermen Kiss, Horwath, Morelli, Haining, Copps, Wilson, and Kelly. -7.

CARRIED.

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Section 33 Re: Official Plan Amendment - Rental Housing Stock - As Amended

Recorded Vote:

YEAS: Aldermen Kiss, Horwath, Morelli, Haining, Copps, Wilson, Collins, Jackson, Anderson, Kelly, and O'Sullivan. -11.

NAYS: Aldermen Caplan, Corsini, Eisenberger, Charters, and D'Amico. -5.

CARRIED.

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FINANCE & ADMINISTRATION COMMITTEE - SEVENTEENTH REPORT
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Section 6 Re: Charity Gaming Clubs

It was moved by Alderman Charters and seconded by Alderman Horwath that Section 6 of the Seventeenth Report of the Finance and Administration Committee be referred back.

CARRIED.

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Section 16 Re: Occupational Health Clinics for Ontario Works, Hamilton Clinic

It was moved by Alderman Wilson and seconded by Alderman O'Sullivan that Section 16 of the Seventeenth Report for 1998 of the Finance and Administration Committee be amended by adding the following immediately following the word "proposal" in the fifth line:

"This program includes data collection and analysis by the Occupational Health Clinics for Ontario Workers, Hamilton Clinic (OHCOW);"

CARRIED.

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Section 24 Re: Senior Property Officer/Appraiser positions

It was moved by Alderman Anderson and seconded by Alderman Corsini that Item 24 of the Seventeenth Report of the Finance and Administration Committee be referred to the Committee of the Whole.

CARRIED.

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Section 25 Re: Offer to Purchase 897 Barton Street

It was moved by Alderman Morelli and seconded by Alderman Haining that Section 25 of the Seventeenth Report of the Finance and Administration Committee be referred back.

CARRIED.

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RECONSIDERATION OF MOTION

Re: Status of Women - Term of Office

It was moved by Alderman Kiss and seconded by Alderman Copps that Section 5 of the Ninth Report of the Finance and Administration Committee for 1998, approved by City Council at its meeting of 1998 March 31, respecting the appointment of members of the Status of Women Sub-Committee for a one year term, be reconsidered.

Recorded Vote:

YEAS: Mayor Morrow, Aldermen Kiss, Corsini, Copps, Jackson, and D'Amico. -6.

NAYS: Aldermen Caplan, Morelli, Haining, Wilson, Collins, Charters, Anderson, Kelly, and O'Sullivan. -9. **LOST.**

HAMILTON-SCOURGE STEERING COMMITTEE - SECOND REPORT

NOMINATING COMMITTEE - SIXTH REPORT

COMMITTEE OF THE WHOLE - SEVENTEENTH REPORT

ACTING MAYOR FOR THE MONTH OF JULY, 1998

It was moved by Alderman Kiss and seconded by Alderman Corsini that Alderman G. Copps be appointed Acting Mayor for the month of July, 1998. **CARRIED.**

It was moved by Alderman Kiss and seconded by Alderman Caplan that the Report of the Committee of the Whole on the Reports of the Transport and Environment Committee, the Parks and Recreation Committee, the Planning and Development Committee, the Finance and Administration Committee, the Hamilton-Scourge Steering Committee, the Nominating Committee, and the Committee of the Whole, be adopted.

Recorded vote.

YEAS: Mayor Morrow, Aldermen Kiss, Caplan, Horwath, Corsini, Morelli, Haining, Copps, Wilson, Collins, Charters, Anderson, Kelly, D'Amico, O'Sullivan. -15.

NAYS: -0.

CARRIED.

City Council then adjourned at 9:15 o'clock p.m.

Taken as read and approved.

MAYOR R. M. MORROW

J. J. Schatz
City Clerk
1998 June 30

REPORT OF THE TRANSPORT AND ENVIRONMENT COMMITTEE

To the Council of the Corporation of the City of Hamilton

Members of Council:

The Transport and Environment Committee presents its **EIGHTH** Report for 1998 and respectfully recommends:

1. (a) That City Council enact the by-law to alter the roadway of Albright Road between Quigley Road and Mount Albion Road, for the purpose of implementing an experimental traffic calming plan, by narrowing the pavement from the existing width which varies from 7.9 metres to 13.0 metres to a width varying from 4.9 metres to 13.0 metres; and,

 (b) That the existing all-way stop control at the intersection of Albright Road and Montmorency Drive be removed (in accordance with the installation of a "mini-circle" and corner radius improvements), and that the City Traffic By-law No. 89-72 be amended accordingly; and,

 (c) That staff be directed to report back to the Transport and Environment Committee on the effectiveness of this plan in approximately one year after the implementation of the traffic calming measures.
2. That the appropriate by-law, prepared to the satisfaction of the City Solicitor, to sell a portion of Dulgaren Street as closed by Judge's Order designated as Parts 2, 3 and 4 on Plan 62R-14087 be enacted by Council.
3. That a "Permit Parking" regulation be implemented on a one year trial basis, on the south side of Napier Street between Pearl Street North and a point 191 feet easterly therefrom, and that the City Traffic By-law No. 89-72 be amended accordingly.
4. That the existing by-law entry allowing for a "Permit Parking" regulation on the south side of Paul Street commencing at a point 36 feet west of Southview Place and extending to a point 22 feet westerly therefrom be removed, and that the City Traffic By-law No. 89-72 be amended accordingly.

5. That the existing "Permit Parking" regulation on the south side of Mars Avenue commencing at a point 107 feet east of Douglas Street and extending to a point 19 feet easterly therefrom be removed, and that the City Traffic By-law No. 89-72 be amended accordingly.
6.
 - (a) That a "Permit Parking" regulation be implemented on the south side of Picton Street East commencing at a point 286 feet east of Mary Street and extending to a point 24 feet easterly therefrom, and that the City Traffic By-law No. 89-72 be amended accordingly; and,
 - (b) That the Commissioner of Public Works and Traffic be authorized to issue one parking permit to Mr. Dwayne Smith, No. 146 Picton Street East.
7.
 - (a) That a "Permit Parking" regulation be implemented on the north side of Land Street commencing at a point 82 feet east of Wentworth Street North and extending to a point 19 feet easterly therefrom, and that the City Traffic By-law No. 89-72 be amended accordingly; and,
 - (b) That the Commissioner of Public Works and Traffic be authorized to issue one parking permit to Mr. David Byron, No. 7 Land Street.
8. That a "Two Hour Parking Time Limit, 24 hours a day, seven days a week" regulation be implemented on the west side of Lottridge Street between Barton Street East and Edward Street, and that the City Traffic By-law No. 89-72 be amended accordingly.
9. That a "One Hour Parking Time Limit, 7:00 a.m. to 4:00 p.m., Monday to Friday" regulation be implemented on the east side of Cranbrook Drive between Greendale Drive and Garrow Drive, and that the City Traffic By-law No. 89-72 be amended accordingly.
10.
 - (a) That a "Permit Parking" regulation be implemented on the east side of Douglas Street commencing at a point 25 feet south of Keith Street and extending to a point 18 feet southerly therefrom, and that the City Traffic By-law No. 89-72 be amended accordingly; and,
 - (b) That the Commissioner of Public Works and Traffic be authorized to issue one parking permit to Mrs. Alice Thibeault, No. 36 Douglas Street.

11. (a) That a "Permit Parking" regulation be implemented on the north side of Francis Street commencing at a point 175 feet west of Cheever Street and extending to a point 17 feet westerly therefrom, and that the City Traffic By-law No. 89-72 be amended accordingly; and,

(b) That the Commissioner of Public Works and Traffic be authorized to issue one parking permit to Ms. Dorothy Brimner, No. 63 Francis Street.
12. (a) That a "Permit Parking" regulation be implemented on the north side of Homewood Avenue commencing at a point 410 feet east of Dundurn Street South and extending to a point 18 feet easterly therefrom, and that the City Traffic By-law No. 89-72 be amended accordingly; and,

(b) That the Commissioner of Public Works and Traffic be authorized to issue one parking permit to Mrs. Phyllis Bendig, No. 184 Homewood Avenue.
13. That a "No Parking, 8:00 a.m. to 6:00 p.m., Monday to Friday" regulation be implemented on the north side of Jameston Avenue, commencing at Upper James Street and extending to a point 270 feet westerly therefrom, and on the south side of Jameston Avenue, commencing at Upper James Street and extending to a point 227 feet westerly therefrom, and that the City Traffic By-law No. 89-72 be amended accordingly.
14. That a "Wheelchair Loading Zone, 7:00 a.m. to 6:00 p.m., Monday to Friday" regulation be implemented on the east side of High Street commencing at a point 65 feet north of the north curb line of Sherwood Rise and extending 52 feet northerly, and that the City Traffic By-law No. 89-72 be amended accordingly.
15. That a "No Parking" regulation be implemented on the west side of Montmorency Drive, commencing at a point 79 feet south of Haskins Court and extending to a point 38 feet southerly therefrom, and that the City Traffic By-law No. 89-72 be amended accordingly.
16. (a) That a "Permit Parking" regulation be implemented on the north side of Vansitmart Avenue commencing at a point 230 feet west of Harmony Avenue and extending to a point 22 feet westerly therefrom, and that the City Traffic By-law No. 89-72 be amended accordingly; and,

- (b) That the Commissioner of Public Works and Traffic be authorized to issue one parking permit to Ms. Audra Barnes, No. 21 Vansitmart Avenue.
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- 17. That a fulltime "Wheelchair Loading Zone" regulation be implemented on the east side of Ferndale Avenue commencing at a point 121 feet south of Dunkirk Drive and extending to a point 28 feet southerly therefrom, and that the City Traffic By-law No. 89-72 be amended accordingly.
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- 18. That the existing "Permit Parking" regulation on the south side of Somerset Avenue commencing at a point 139 feet west of Barnesdale Avenue North and extending to a point 24 feet westerly therefrom be removed, and that the City Traffic By-law No. 89-72 be amended accordingly.
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- 19. (a) That a "Permit Parking" regulation be implemented on the east side of East 22nd Street commencing at a point 216 feet south of Concession Street and extending to a point 24 feet southerly therefrom, and that the City Traffic By-law No. 89-72 be amended accordingly; and,
 - (b) That the Commissioner of Public Works and Traffic be authorized to issue one parking permit to Ms. Kelly Ann Barker, No. 9 East 22nd Street.
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- 20. (a) That a "Permit Parking" regulation be implemented on the east side of Arthur Avenue North commencing at a point 120 feet north of King Street East and extending to a point 18 feet northerly therefrom, and on the west side of Arthur Avenue North commencing at a point 116 feet north of King Street East and extending to a point 18 feet northerly therefrom, and that the City Traffic No. 89-72 be amended accordingly; and
 - (b) That the Commissioner of Public Works and Traffic be authorized to issue one parking permit to Mr. Raymond Frazer, No. 12 Arthur Street North.
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- 21. (a) That a "Permit Parking" regulation be implemented on the north side of Keith Street commencing at a point 164 feet east of Douglas Street and extending to a point 21 feet easterly therefrom, and that the City Traffic By-law No. 89-72 be amended accordingly; and,
 - (b) That the Commissioner of Public Works and Traffic be authorized to issue one parking permit to Mr. Matthew Speare, No. 59 Keith Street.

22. That the existing three hour parking meters on the both sides of Ferguson Avenue North from King Street North to King William Street be replaced with a "No Parking Anytime" regulation and that the City Traffic By-law No. 89-72 be amended accordingly.
23.
 - (a) That the existing "No Stopping Anytime" regulation on the north side of Inverness Avenue from Upper Wellington Street to a point 103 feet easterly therefrom be shortened such that the regulation extends to a point 45 feet east of Upper Wellington Street; and,
 - (b) That a "One Hour Parking Time Limit, 24 hours a day, seven days a week" regulation be implemented on the north side of Inverness Avenue commencing at a point 45 feet east of Upper Wellington Street and extending to a point 42 feet easterly therefrom; and,
 - (c) That the City Traffic By-law No. 89-72 be amended accordingly.
24. That the Commissioner of Public Works and Traffic be authorized to issue, upon request, three Time Limit Exemption Permits to each of the first three eligible applicants residing in the apartment building at No. 990 King Street West.
25.
 - (a) That the existing "Permit Parking" regulation on the west side of Hughson Street North between MacAuley Street East and Picton Street East be shortened such that the regulation commences at MacAuley Street East and extends to a point 212 feet southerly therefrom, and that the City Traffic By-law No. 89-72 be amended accordingly.
 - (b) That the maximum number of permits allowed to be issued be reduced from 14 to 8.
26.
 - (a) That the existing full-time "No Parking" regulation on both sides of Barton Street West between Locke Street North and Crooks Street be removed; and,
 - (b) That a full-time "No Stopping" regulation be implemented on the north side of Barton Street West commencing at Locke Street North and extending to a point 105 feet easterly therefrom; and,
 - (c) That the City Traffic By-law No. 89-72 be amended accordingly.

27. That southbound traffic on Roland Road be required to stop for eastbound and westbound traffic on Claudette Gate, and that the City Traffic By-law No. 89-72 be amended accordingly.
28. That three-way stop control be implemented at the intersection of Hillyard Street and Munroe Street, and that the City Traffic By-law No. 89-72 be amended accordingly.
29. That eastbound traffic on Indian Crescent be required to stop for northbound and southbound traffic on Abbot Drive, and that the City Traffic By-law No. 89-72 be amended accordingly.
30. That four-way stop control be implemented at the intersections of Glenholme Avenue and Lucerne Avenue and Lucerne Avenue and Summerhill Avenue, and that the City Traffic By-law No. 89-72 be amended accordingly.
31. That a purchase order be issued to M & M Painting and Sandblasting, Cayuga, Ontario, for the provision of contractual services for the removal of traffic pavement markings during 1998 as and when required by the Traffic Division of the Public Works and Traffic Department, being the lowest acceptable bid received in accordance with the specifications issued by the Purchasing Division, and that the estimated expenditure of \$70,000 be financed through the Traffic Hired Equipment/Services Clearing Contractual Account No. CH56364-75999.
32. That a purchase order be issued to D & D Diamond Cutting and Coring Inc., Wainfleet, Ontario, for the provision of contractual services for slot cutting and traffic signal detection wire installation during 1998, 1999 and 2000, as and when required by the Traffic Division of the Public Works and Traffic Department, being the lowest acceptable bid received in accordance with the specifications issued by the Purchasing Division, and that the estimated expenditure of \$75,000 be financed through the Traffic Hired Equipment/Services Clearing Contractual Account No. CH56364-75999.
33. That a full-time "No Stopping" driveway clearance be implemented on the west side of Grandville Avenue, commencing at a point 164 feet south of Violet Drive and extending to a point 122 feet southerly therefrom, and that the City Traffic By-law No. 89-72 be amended accordingly.

34. That a full-time "Wheelchair Loading Zone" be implemented on the west side of West Avenue South commencing 50 feet south of King Street East and extending to a point 20 feet southerly therefrom, and that the City Traffic By-law No. 89-72 be amended accordingly.
35.
 - (a) That the Rushdale Neighbourhood be designated as a Neighbourhood Watch Area; and,
 - (b) That Neighbourhood Watch signs for the Rushdale Neighbourhood be erected and maintained by the Department of Public Works and Traffic, as long as this neighbourhood maintains an active Neighbourhood Watch Program as determined by the Regional Police Department; and,
 - (c) That the necessary funds be charged to the Neighbourhood Watch Program, Account No. CH55301-75030.
36. That the duration of the existing parking meters on the south side of Duke Street between James Street South and MacNab Street South, be changed from one hour to two hours, and that the City Traffic By-law No. 89-72 be amended accordingly.
37. That the existing "School Bus Loading Zone, 7:00 a.m. to 6:00 p.m., Monday to Saturday" regulation on the west side of Lawson Street commencing at a point 203 feet north of Folkstone Avenue and extending 40 feet northerly be replaced with a "Wheelchair Loading Zone, 7:00 a.m. to 6:00 p.m., Monday to Saturday" regulation and that the City Traffic By-law No. 89-72 be amended accordingly.
38. That a "Wheelchair Loading Zone, 7:00 a.m. to 6:00 p.m., Monday to Saturday" regulation be implemented on the east side of East 18th Street commencing at a point 226 feet south of Concession Street and extending 40 feet southerly therefrom, and the City Traffic By-law No. 89-72 be amended accordingly.

39. That the application of Creative Arts to temporarily close Longwood Road North, Paradise Road and Bond Street North from King Street West to Princess Point, and the cross streets between Longwood Road and Paradise Road, including Glen Road, Dufferin Street, Edgevale Road, Roanoke Road, Norwood Road, Franklin Avenue, Kenmore Road, Dorset Place, Freeland Court and Desjardins Court, to all but pass holders, residents of the closure area and emergency vehicles, and allow one way access to the parking area at Kay Drage Park from Macklin Street and one way exit from Kay Drage Park from Longwood Road, from Wednesday 1998 July 1 at 9:00 o'clock a.m. to Sunday 1998 July 5 at 12:00 o'clock midnight, to hold the annual Earthsong Festival, be approved, subject to the following conditions:
- (a) That the prior approval of the Chief of Police or his designate be received and that such permits or authorizations as may be required by the Chief of Police or his designate be obtained; and,
 - (b) That the applicant provide proof of \$5,000,000 public liability insurance naming the Region and the City of Hamilton as an added insured party, with a provision for cross liability and holding the Region and the City of Hamilton harmless from all actions, causes of action, interest, claims, demands, costs, damages, expenses and loss; and,
 - (c) That all barricading, detour signing and traffic control be subject to the direction of the Chief of Police or his designate; and,
 - (d) That all barricading be supplied by and at the expense of the applicant; and,
 - (e) That "Temporary Road Closure" signs be installed in advance by the Department of Public Works and Traffic on the affected roadways, if deemed necessary by the Commissioner of Public Works and Traffic; and,
 - (f) That the applicant ensure that clean up operations be carried out immediately before the re-opening of the roads to the satisfaction of the City Engineer and at the expense of the event organizer; and,
 - (g) That no property owner or resident within the barricaded area be denied access to their property upon request; and,
 - (h) That all property owners and tenants along the closed portion of the route be notified of the event by the applicant prior to the event in a form acceptable to the City Engineer.

40. (a) That the following City land be incorporated into the following streets:

Acadia Drive	Part 7	62R-10529
Brigadoon Drive	Parts 1	62R-14552
Chipman Avenue	Parts 1 and 2	62R-14551
Dicenzo Drive	Part 13	62R-13294
Kirkfield Road	Parcel "G"	R.P. 1013
Matthew Drive	Parts 3 and 4	62R-14441
Windrush Drive	Part 3	62R-14585

- (b) That the by-laws to carry out the incorporation of the said land into the foregoing streets be prepared to the satisfaction of the City Solicitor and be enacted by Council; and,
- (c) That the City Engineer be authorized and directed to register the by-laws.
41. (a) That the Outdoor Boulevard Cafe Agreement for No. 1 Wilson Street, registered as Instrument No. 498214CD, be discharged; and,
- (b) That the Mayor and City Clerk be authorized and directed to execute the discharge documents for the Outdoor Boulevard Cafe Agreement, registered as Instrument No. 498214CD, in a form satisfactory to the Law Department.
42. That the applications to retain inadvertent encroachments at the locations as listed below, be approved during the pleasure of Council, provided:
- (a) That the owners enter into agreements satisfactory to the City Solicitor and City Engineer to indemnify and save the City harmless from all actions, causes of action, interests, claims, demands, costs, damages, expenses and loss; and,
- (b) That the Mayor and City Clerk be authorized to execute the City's standard form of agreement; and,

- (c) That the first year fees and subsequent annual fees be set for the encroachments as follows:

Location and Municipal Address	Owner	Type of Encroachment	First Year/ Annual Fee
12 Webber Avenue	N.M. Afonso S.E. Noon	Steps encroaching by 0.26m x 0.91m	\$185/20
20 Fairleigh Avenue North	A. McGuigan	Steps encroaching by 0.70m x 1.50m	\$185/20

43. That the application of Mission Services of Hamilton Inc., owner of No. 81 Stuart Street, to maintain a portion of the building measuring 1.60m x 14.70m, two concrete window wells measuring 1.30m x 1.0m and ornamental fence measuring 27.40m x 1.50m in height and landscaping measuring 27.40m x 3.00m, encroaching onto the road allowance of Stuart Street, be approved, subject to the following:

- (a) That the owner enter into an agreement satisfactory to the City Solicitor and City Engineer to indemnify and save the City harmless from all actions, causes of action, interests, claims, demands, costs, damages, expenses and loss; and,
- (b) That the Mayor and City Clerk be authorized to execute the City's standard form of agreement; and,
- (c) That the applicant pay a first year fee \$184 and a subsequent annual fee of \$20.

44. (a) That the submitted schedules of works be approved, for inclusion in the Subdivision Agreement with the Owner for the estimated costs of services in:

"James Mount Gardens - Phase 1", Hamilton
City's Share - \$ 122,968.13, Owner's Share - \$ 191,843.93

"Nash Orchards Heights South - Phase 1", Hamilton
City's Share \$ 45,697.80, Owner's Share \$1,184,094.64; and,

- (b) That the Mayor and City Clerk be authorized and directed to execute the proposed Subdivision Agreement with the Owner of "James Mount Gardens - Phase 1", Hamilton and "Nash Orchards Heights South - Phase 1", Hamilton as well as any other related documents for this subdivision subject to the approval of the City Solicitor; and,
 - (c) That the approval of the above-noted clauses be subject to the condition that no work be commenced until the Final Plan and Subdivision Agreement has been registered; and,
 - (d) In the event that the Owner wishes to proceed prior to the registration of the Final Plan and Subdivision Agreement being registered, they should be allowed to do so at their own risk provided that they enter into a standard agreement with the City of Hamilton for pre-servicing; and,
 - (e) That the City's share of servicing in "James Mount Gardens - Phase 1" subdivision at an estimated cost of \$ 122,968.13 and in "Nash Orchards Heights South - Phase 1" subdivision at an estimated amount of \$ 45,697.80, respectively, be financed from the Account Centre No. 00107 - Reserve for Services Through Unsubdivided Lands.
45. That the Mayor and City Clerk be authorized and directed to sign the waiver for the approval of the draft plan conditions for, Albion Mills Estates Subdivision, dated 1998 April 30, Regional File No. 25T-97013.
46. (a) That the proposed narrowing of Crockett Street from Upper Gage Avenue to East 31st Street from the existing width of 15.2m to 12.2m as shown on Appendix "A", attached hereto, be advertised under Section 300 of the Municipal Act being Chapter M.45 of the Revised Statutes of Ontario 1990; and,
- (b) That the Commissioner of Public Works and Traffic prepare the necessary by-law in a form satisfactory to the City Solicitor and advertised by the City Clerk.
47. (a) (i) That the lands being Part of No. 1477 Upper James, being Parts 2 and 3, Plan 62R-12821, be declared surplus to the requirements of the City in accordance with Real Property Sales Procedural By-law No. 95-049; and,

- (ii) That the City Clerk be authorized and directed to sell the subject property in accordance with the Real Property Sales Procedural By-law; and,
- (b)
 - (i) That an Offer to Purchase Parts 2 and 3, Plan 62R-12821 for the price of \$2, executed by 900074 Ontario Inc. (Gordon Albin, Authorized Signing Officer), dated 1998 June 10 be accepted. The said transaction is scheduled to close on 1998 July 8. Funds derived from this sale be credited to Account No. CH4X501 00102 (Reserve for Property Purchases (Sales)); and,
 - (ii) That the City Solicitor be authorized and directed to prepare the necessary transfer documents; and,
 - (iii) That the Purchaser acknowledges and agrees that Parts 2 and 3, Plan 62R-12821 shall not form part of any proposed land development until the registration on title of a Subdivision Agreement encompassing the said Parts 2 and 3 in accordance with the City's subdivision requirements at that time; and,
 - (iv) That the Purchaser also acknowledges and agrees that the City is conveying the herein described lands to 900074 Ontario Inc. to be laid out as a Public Highway and associated 1 foot reserve by a Plan of Subdivision prepared by the Purchaser known as James Mount Gardens - Phase 1 and said plan to be registered on or before 1998 July 23; and,
 - (v) That the City Clerk be authorized and directed to execute and issue a Certificate of Compliance in the form prescribed pursuant to Section 193 of the Municipal Act incorporating the following:
 - (1) satisfactory notice has been given to the public of the intended sale; and,
 - (2) no appraisal of fair market value of the real property intended to be sold has been obtained as lands not having direct access to a highway if sold to the owner of the abutting land are exempt from the appraisal requirement of Section 193 of the Municipal Act; and,
- (c) That the City Clerk be directed to publish a notice pursuant to Section 301 of the Municipal Act, R.S.O. 1990, of the City's intention to pass the by-law.

48. (a) That the West Central Branch of the Ontario Ministry of the Environment (MOE) be advised that the City of Hamilton objects to the proposed Amendment to Certificate of Approval No. A100130, Canadian Waste Services Inc., No. 245 Lottridge Street; and,
- (b) That the West Central Branch of the Ontario Ministry of the Environment (MOE) be advised that the City of Hamilton is concerned about the operational practices and procedures of Canadian Waste Services Inc. at their facility located at No. 245 Lottridge Street and the impacts on the adjacent neighbourhood and recommends the following:
 - (i) That the Company be required to make all reasonable effort to ensure all incoming and outgoing truck vehicles to and from the site will be directed to access and exit the site exclusively from Landsdowne Avenue or from the northerly portion of Lottridge Street, north of the east-west CNR tracks; and,
 - (ii) That the Company be required to ensure that an appropriate waste deodorizer be applied on all waste piles, regardless of the presence of odours, at a minimum at the end of every day and on a more frequent basis during the day as climatic conditions dictate; and,
 - (iii) That the Company be required to ensure that at all times rodent traps/bait locations are established on the site and are fully operational on a continuing basis; and,
 - (iv) That the appropriate MOE staff review the current dollar value of the Financial Assurance posted by Canadian Waste Services Inc. with the Ministry of the Environment (\$95,000) to ensure that the Financial Assurance covers the costs associated with:
 - (1) hauling, treating and disposing of the waste materials; and,
 - (2) dismantling and disposal of equipment or other facilities; and,
 - (3) excavation and disposal of contaminated soil, if necessary; and,
 - (4) site rehabilitation; and,
- (c) That staff of the By-law Services Section of the Department of Public Works and Traffic undertake a regular and on-going review of the waste management operation at No. 245 Lottridge Street and issue appropriate charges upon violations, particularly in regard to litter and mud-tracking of vehicles onto public streets; and,

- (d) That the West Central Branch of the Ontario Ministry of the Environment (MOE) be advised that the City of Hamilton is concerned about the inability of the Ministry to enforce its regulations and conditions relating to its Certificates of Approval.
- 49.
- (a) That the Commissioner of Public Works and Traffic prepare proposals to address the periodic flooding of streets on Hamilton Beach adjacent to the QEW for the consideration of the Transport and Environment Committee and inclusion in the 1999 Capital Budget deliberations; and,
 - (b) That the Commissioner of Public Works and Traffic initiate discussions with the Ministry of Transportation and the Region of Hamilton-Wentworth to determine the potential and scope of the Ministry's and Region's participation in the recommended solution for the periodic flooding of beach strip roads adjacent to the QEW.
50. That the Commissioner of Public Works and Traffic be authorized to investigate the use of alternative methods of weed control in hard surface areas specifically "hot steam" and "Fire" in combination with the current traffic island herbicide spray program.
- 51.
- (a) That the Commissioner of the Public Works and Traffic Department be authorized to reinstate the road surface of East 31st Street, East 32nd Street and East 33rd Street in asphalt rather than restoring the existing tar and chip surface treatment recognizing that these streets are under partial reconstruction at this time due to sewer and watermain repairs; and,
 - (b) That all other tar and chip surface treated roads under reconstruction during 1998 be resurfaced using asphalt in lieu, subject to sufficient funding within the scope of each project's reconstruction budget plus the City's current budget allocation for surface treatment; and,
 - (c) That the Commissioner of the Public Works and Traffic Department report back to the Transport and Environment Committee with a cost benefit analysis and a proposal to address the issue of reinstating all tar and chip surface treated roads over time with asphalt, for inclusion in the 1999 Capital Budget deliberations; and,

- (d) That the Commissioner of the Public Works and Traffic Department be authorized and directed to utilize surplus funds in any previous years reconstruction program for rehabilitation of sidewalks and/or roadways on projects where the Region is undertaking sewer or watermain work and the City, due to Capital Budget constraints, has not included sidewalk/roadway rehabilitation in conjunction with Regional works.

52. (a) That purchase orders be issued to the following contractors for a three-year term being the lowest of eight proposals received for Concrete Cutting and Asphalt Planing in accordance with the specifications issued by the Purchasing Division, Treasury Department and the vendors tender.

	<u>1998</u>	<u>1999</u>	<u>2000</u>
1. Bigelow Brothers - Concrete Saw and Operator	73.00	74.00	75.00
2. Battlefield Bobcat- 12" Asphalt Planer and Operator	75.00	85.00	90.00
3. Hard Rock Paving 36"-40" Asphalt Planer and Operator	270.00	275.00	280.00
4. (a) Hard Rock Paving - 7'-8' Asphalt Planer and Operator	324.50	327.00	329.50
(b) Hard Rock Paving - 7'-8' Asphalt Planer with Full Crew	493.00	502.80	512.60

- (b) That in the event "emergency back-up" contractors are required, purchase orders be issued to the following contractors for a three-year term, being the second lowest of eight proposals received for Concrete Cutting and Asphalt Planing in accordance with the specifications issued by the Purchasing Division, Treasury Department and vendors tender to the contractors noted in sub-section (a).

	<u>1998</u>	<u>1999</u>	<u>2000</u>
1. Cardi Construction - Concrete Saw and Operator	79.00	84.00	88.00
2. Economy Paving 12" Asphalt Planer and Operator	125.00	125.00	125.00
3. Battlefield Bobcat 36"-40" Asphalt Planer & Operator	290.00	300.00	310.00

4. (a) Stephens & Rankin			
7'-8' Asphalt Planer & Operator	535.00	545.00	565.00

*Note: Prices include P.S.T. G.S.T. is extra.

53. (a) That the Commissioner of Public Works and Traffic be authorized and directed to issue a purchase order to Terraprobe Testing Ltd. to provide quality control/quality assurance testing services for hot-in-place asphalt recycling on various streets in 1998; and,
- (b) That the cost of this work estimated at \$37,500 be financed from the 1998 Road and Sidewalk Improvement Programme.

54. (a) That the practice of the former Hamilton Parking Authority Board of purchasing parking advertising and tickets for community events be discontinued and that all future requests for financial support of community events and organizations be directed to the Finance and Administration Committee in accordance with current City practice; and
- (b) That the practice of the former Hamilton Parking Authority Board of exchanging parking privileges in off-street parking lots for parking advertising, season tickets, etc. to various events be continued in accordance with the following conditions; and
 - (i) That all event tickets be held and made available to members of City Council for charitable purposes only; and
 - (ii) That tickets not requested by members of Council within 48 hours of the event be forwarded to charitable organizations such as Big Brothers and Big Sisters; and,
 - (iii) That staff be directed to report to the Transport and Environment Committee annually via an information report advising how and by whom all event tickets were used during the previous year; and
 - (iv) That the advertising panels at Ivor Wynne Stadium, Copps Coliseum and other facilities be reserved for advertising City sponsored events; and,

- (c) That in accordance with sub-section (b) the request of the Hamilton Tiger Cats to provide an advertising panel at Ivor Wynne Stadium (\$7,500 value) and season tickets (\$3,600 value) in exchange for seven parking spaces (\$8,400 value) in the Convention Centre parking facility be approved; and,
 - (d) That future requests from organizations for the exchange of parking privileges in municipal parking facilities for advertising, season tickets, etc. be brought to the Transport and Environment Committee for approval.
55. (a) That the Ministry of Transportation be asked to reconsider the \$9 regulatory user fee for motorists who are convicted for being illegally parked; and,
- (b) That should the Ministry of Transportation not reconsider:
- (i) That the Ministry of Transportation be requested to provide a detailed explanation outlining the rationale for costs associated with this new \$9 regulatory user fee; and,
 - (ii) That the Ministry of Transportation be requested to delay implementation to allow the municipalities additional preparation time for these changes; and,
 - (iii) That the City of Hamilton request funding from the Ministry of Transportation to finance the start up costs (unknown at this time) for implementation of the new \$9 user fee, the cost of remitting these fees back to the Ministry of Transportation, and associated financial reports to the Ministry of Transportation; and,
 - (iv) That the Association of Ontario Municipalities and municipalities be advised of the City of Hamilton's position on this matter; and,
 - (v) That staff be directed to report back to the Transport and Environment Committee once the full cost and staffing implications are known.
 - (vi) That every effort be made to ensure that motorists who are convicted of parking violations are aware that the \$9 regulatory user fee is a Provincial initiative through the Ministry of Transportation.
56. That the School Crossing Guard Service on Main Street West, south of Whitney Avenue (adjacent to White Chapel Cemetery), be discontinued.

57. (a) That the School Crossing Guard temporarily assigned to the intersection of Beryl Avenue and Birchview Drive during the morning and evening periods be assigned on a permanent basis; and,
- (b) That a School Crossing Guard be assigned to the intersection of Beechwood Avenue and Sherman Avenue North during the morning and evening periods on a permanent basis; and,
- (b) That consideration be given in the 1999 Current Budget deliberations for an expansion package of approximately \$8,000, plus administrative costs for a School Crossing Guards at these locations.
58. That the following Bills be adopted, signed, sealed and enrolled as By-laws:
- (a) A-41 A By-law to Amend Traffic By-law No. 89-72 to Regulate Traffic
- (b) A-42 A By-law to Amend Traffic By-law No. 89-72 to Regulate Traffic
- (c) A-43 A By-law to Amend Traffic By-law No. 89-72 to Regulate Traffic
- (d) A-44 A By-law to Alter Albright Road between Quigley Road and Mount Albion Road by Narrowing the Pavement
- (e) A-45 A By-law to Sell a Closed Portion of Dulgaren Street from the future east limit of Eaglewood Drive, easterly for approximately 31 meters as closed by Judge's Order LT478474 and designated as Parts 2, 3 & 4 on Plan 62R-14089
- (f) A-46 A By-law to Incorporate City Land Designated as Part 7 on Plan 62R-10529 into Acadia Drive
- (g) A-47 A By-law to Incorporate City Land Designated as Part 1 on Plan 62R-14552 into Brigadoon Drive
- (h) A-48 A By-law to Incorporate City Land Designated as Parts 1 & 2 on Plan 62R-14551 into Chipman Avenue
- (i) A-49 A By-law to Incorporate City Land Designated as Part 13 on Plan 62R-13294 into Dicenzo Drive
- (j) A-50 A By-law to Incorporate City Land Designated as Parcel "G" on Registered Plan 1013 into Kirkfield Road

- (k) A-51 A By-law to Incorporate City Land Designated as Parts 3 & 4 on Plan 62R-14441 into Matthew Drive
- (l) A-52 A By-law to Incorporate City Land Designated as Part 3 on Plan 62R-14585 into Windrush Crescent

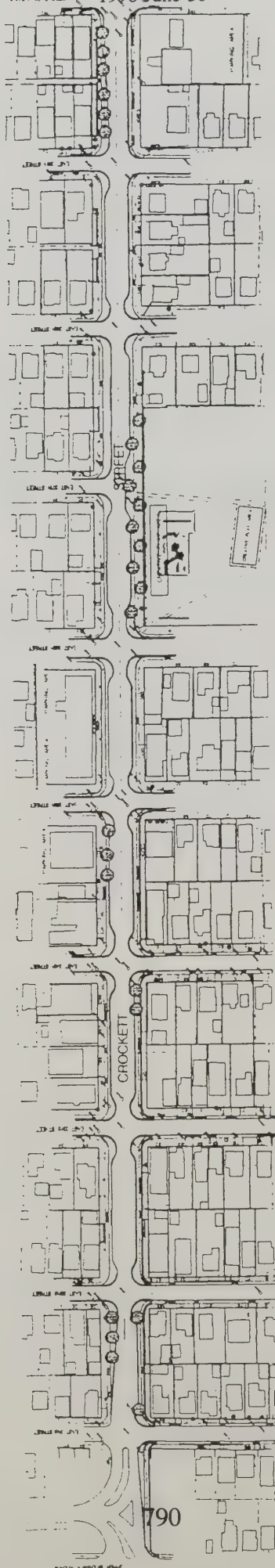
Respectfully Submitted,

**ALDERMAN CHAD COLLINS, CHAIRMAN
TRANSPORT AND ENVIRONMENT COMMITTEE**

**Kevin C. Christenson
Secretary**

1998 June 22

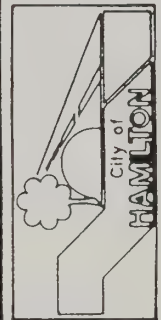
1998 June 30



Appendix "A" as
referred to in
Section 46 of the
Eighth Report
of the Transport and
Environment
Committee for 1998

Project CROCKETT STREET
RECONSTRUCTION

Title PROPOSED ALIGNMENT



REPORT OF THE PARKS AND RECREATION COMMITTEE

To the Council of the Corporation of the City of Hamilton

Members of Council:

The Parks and Recreation Committee presents its **SEVENTH** Report for 1998 and respectfully recommends:

1. That approval be granted to Big "A" Amusement Ltd. to hold a fundraising Carnival event for the Queenston Parent/Child Drop-In Centre on 1998 July 22 to July 26 from 12:00 o'clock noon to 11:00 o'clock p.m. in Parkdale Park subject to the Standard Terms and Conditions of the Special Events Guidelines.
2. That approval be granted to the North End Children's Centre to locate carnival rides in the south-east corner of Eastwood Park on the occasion of the Rainbow Festival to be held 1998 July 4 and July 5, 10:00 o'clock a.m. to 10:00 o'clock p.m., subject to the Standard Terms and Conditions of the Special Events Guidelines.
3.
 - (a) That the Director of Culture and Recreation be authorized to enter into a licence agreement in a form satisfactory to the City Solicitor for use of space at the Hamilton Scourge Laboratory, located at McMaster University, by an outside Conservator for a period of six months commencing 1998 June 1 on an exchange of services for rent basis; and,
 - (b) That the Mayor and the City Clerk be authorized to execute the agreement on behalf of the City.
4. That the Director of Culture and Recreation and the City Solicitor be authorized to renegotiate with the Government of Canada a one year extension on payment terms, item 4(b), of the Cost-Sharing Agreement for the Conservation and Presentation of the Hamilton Waterworks National Historic Site, executed on 1997 March 7.
5.
 - (a) That approval be given to issue a purchase order to Viana Roofing and Sheet Metal LTD. of Toronto, Ontario in the amount of \$158,922.82 inclusive of (\$10,396.82 GST) for the replacement of the roof at Hill Park Recreation Centre; and,

- (b) That this expenditure be financed from the Capital Fund Account - Hill Park Recreation Centre, Mechanical/Electrical Retrofit No. CF319741034.
- 6.
- (a) That a purchase order be issued to STF Construction Limited of Hamilton, Ontario for the Barrier Free Design Modifications at both Bennetto Recreation Centre and at Sir Winston Churchill Recreation Centre. The total contract amount will be \$110,975 plus construction contingency of \$11,500 plus applicable GST of \$8,573 plus special provision of \$1,080 plus GST of \$76 to a total of \$132,204; and,
 - (b) That the work be financed from Barrier Free Access - City Bldgs No. CF809453005; and,
 - (c) That a contract satisfactory to the City Solicitor be entered into between the City and the Contractor; and,
 - (d) That the Mayor and the City Clerk be authorized to execute the contract on behalf of the City.
- 7.
- (a) That the Mayor and City Clerk be authorized to execute a Financing Agreement in the amount of \$32,929.25 with the Glendale Park Association in a form satisfactory to the City Solicitor; and,
 - (b) That approval be given to issue a purchase order to Arrowhead Construction, Hamilton, Ontario in the amount of \$32,929.25 including \$5,000 contingency, and \$2,154.25 G.S.T. for the construction of the spray pad facility at Glendale Park being the lowest of three (3) tenders received in accordance with specification C16-15-98 issued by the Purchasing Division and vendors tender; and,
 - (c) That the amount of \$32,929.25 for construction of the spray pad facility be funded from the 1998 Park Development and Redevelopment - Capital Account No. CF629854037 and the \$900,000 appropriation for this account be increased by \$32,929.25 to include this donation.

8.
 - (a) That approval be given to issue a purchase order to Arrowhead Construction, Hamilton, Ontario, in the amount of \$55,030.10 including \$10,000 contingency, and \$3,600.10 G.S.T. for the construction of spray pad facilities at J.C. Beemer and Victoria Parks being the lowest of three (3) tenders received in accordance with specification C16-15-98 issued by the Purchasing Division and vendors tender; and,
 - (b) That the amount of \$19,452.60 and \$35,577.50 for construction of the spray pad facilities at J.C. Beemer and Victoria Parks be funded from the 1997 and Park Development & Redevelopment - Capital Account No. CF629754024 and 1997 Park Development & Redevelopment - Additional - Capital Account No. CF629754025 respectively.
9.
 - (a) That approval be given to issue a purchase order to Arrowhead Construction, Hamilton, Ontario in the amount of \$25,359 including \$5,000 contingency, and \$1,659 G.S.T. for the construction of the spray pad facility at Roxborough Park being the lowest of three (3) tenders received in accordance with specifications C16-15-98 issued by the Purchasing Division and vendors tender; and,
 - (b) That the amount of \$25,359 for construction of the spray pad facility be funded from the 1998 Park Development and Redevelopment - Capital Account No. CF629854037.
10. That approval be granted to the Commissioner of Public Works and Traffic to plant trees donated through the Sustainable Community Recognition Awards Program and install a plaque of recognition in conjunction with the park development at the CP Lands on Forest Avenue.
11.
 - (a) That the City of Hamilton enter into a Lease Agreement with Malcolm Bethune for farming purposes, to rent 54.29 acres, more or less, of land at the Mount Hamilton Cemetery on Rymal Road East, at an annual rental fee of \$1,574.41 (\$29 per acre) including estimated realty taxes of \$661.39 for 1998, and said revenue be credited to Account No. CH44118 63001 (Rental Cemeteries); and,
 - (b) That the Lease commence on 1998 May 1 for a period of three (3) years and terminate on 2001 April 30; and,
 - (c) That the City Solicitor be authorized and directed to prepare the necessary Lease Agreement.

12. That the City send a letter to the House of Commons Standing Committee on Canadian Heritage endorsing Heritage Canada's brief entitled "The evolving role of the federal government in support of culture in Canada" dated 1998 March, available for viewing in the Office of the City Clerk, that was submitted to the Standing Committee on Canadian Heritage for consideration as part of its review of the role of the federal government in support of cultural activity in Canada.
13.
 - (a) That approval be given to the Director, Culture and Recreation Department, to deaccession the Northey Manufacturing Company steam duplex pump from the collection of The Hamilton Museum of Steam and Technology; and,
 - (b) That the deaccessioned steam duplex pump be transferred to Wyndham Court Inc. in Toronto, in accordance with the Museum Collections Management Policy.
14.
 - (a) That approval be given to the action taken by the Director, Culture and Recreation Department, in authorizing the attendance of Hamilton Historical Board Members Joyce Newman and Victoria Reiding at the Association for Living Historical Farms and Agricultural Museums Conference on Monday, 1998 June 22 in Waterloo, Ontario; and,
 - (b) That the Conference costs in the amount of \$260 be financed through the Legislative Travel Account No. CH55201 10010.
15.
 - (a) That Hamilton Historical Board Members Carolyn McCann and Michael Murkovich be authorized to attend the 1998 Ontario Museum Association Conference to be held in Kingston, Ontario, from 1998 August 20-22; and,
 - (b) That the Conference costs in the estimated amount of \$800 be financed through the Legislative Travel Account No. CH55201 10010.
16.
 - (a) That the Director of Culture and Recreation be authorized and directed to secure the services of a Forensic Building Construction Auditing firm, to review the construction and current state of the Chedoke Twin Pad Arena facility for the purposes of assessing possible redress for remedial works effected to the Arena facility; and,

- (b) That upon determination of cost, not to exceed \$20,000, the Finance and Administration Committee be requested to identify a method of financing these services; and,
- (c) That upon conclusion of this Forensic Building analysis, the City Solicitor be authorized and directed to report back to the Parks and Recreation Committee on the advisability of commencing legal action.

Respectfully Submitted,

**ALDERMAN B. MORELLI, CHAIRMAN
PARKS AND RECREATION COMMITTEE**

**Kevin C. Christenson
Secretary**

1998 June 22

REPORT OF THE PARKS AND RECREATION COMMITTEE

To the Council of the Corporation of the City of Hamilton

Members of Council:

The Parks and Recreation Committee presents its **EIGHTH** Report for 1998 and respectfully recommends:

1. (a) That the Restructuring Report for the Department of Culture and Recreation, as presented to the Parks and Recreation Committee at its meeting held 1998 June 30, be approved for implementation; and,
- (b) That the Commissioner of Human Resources and the Director of Culture and Recreation be authorized to do all things necessary to implement the plan such that implementation is complete by 1998 September 30.

Respectfully Submitted,

**ALDERMAN B. MORELLI, CHAIRMAN
PARKS AND RECREATION COMMITTEE**

**Kevin C. Christenson
Secretary**

1998 June 30

DEPARTMENT OF CULTURE AND RECREATION

RESTRUCTURING PLAN

This proposal outlines a new Mission, Vision and Organizational Structure for the Department of Culture and Recreation.

MISSION:

It is the mission of the Department of Culture and Recreation to provide programs and services that foster community and individual health, enhance appreciation of the heritage and the arts of our community and sustain the building and facility inventory in a manner that brings pride to our community.

VISION:

The City of Hamilton is a community where the place and importance of culture and recreation is well-known and supported as a critical component of community and individual health.

Its Culture and Recreation Department is the acknowledged leader in the coordination and provision of arts and heritage services and sports and recreation programs. Its dedication to meeting needs and filling service gaps is highly valued. Its focus on equity sets the tone for the community.

The Department's organizational culture is one that is characterized as principled and values-driven. It is a place where professional behaviour is demanded, yet is an environment where healthy dialogue and constructive criticism is encouraged producing an active and vibrant workplace. The contributions of each employee is valued and recognized

Its staff is respected for their knowledge, energy and insight into the culture and recreation needs of Hamiltonians and for their dedication to working with partner agencies and community volunteers to ensure that scarce tax dollars are spent wisely.

Hamilton's inventory of buildings and facilities are maintained at a high level and are a constant source of community pride.

MANDATE:

The men and women of the Department of Culture and Recreation will achieve this mission by fulfilling the following mandate:

1. Ensure preservation of Hamilton's heritage through management and stewardship of the City's museums and farmers market

-2-

2. Promote the place and importance of the arts in a sustainable community.
3. Encourage, promote and support the work of event organizers in producing first class festivals and special events and lead the one stop shopping process for information and approvals (SEAT).
4. Study and develop programs and services that meet demonstrated recreation needs in coordination and cooperation with partner agencies and community groups.
5. Foster and support the development of community volunteer associations to provide sport and recreation programs.
6. Determine need, design, build and maintain city-owned buildings and facilities.

VALUES:

1. Constructive use of leisure time is critical to individual health and sense of well-being, irrespective of age, gender, ethnicity or disability.
2. Respect for and preservation of Hamilton's heritage is an important element of a community's sense of identity.
3. A healthy arts industry is necessary for the expression of our collective community experience.
3. All citizens have a right to expect well-organized programs and services in facilities that are clean and safe.
4. Participation in culture and recreation services should be available to all residents of Hamilton irrespective of age, gender, ethnicity, physical or mental limitations and ability to pay.

PROPOSED ORGANIZATIONAL STRUCTURE:

Schedule A attached provides a copy of the current organizational structure. It may be described as a structure formed on the basis of a functional philosophy. Its form is quite flat, but with uneven spans of control. Operations functions are spread across a number of divisions, reducing opportunities to increase span of control and focus scarce resources.

Schedule B contains several pages that lay out the proposed organizational chart. For simplicity of presentation, administrative positions have not been included. The following elements highlight this new structure:

-3-

1. REDUCED SENIOR MANAGEMENT TEAM:

The current Departmental management team will be reduced from nine to four inclusive of the Director's position. A new position, entitled the Senior Manager of Culture and Recreation Services will serve as the de facto second in command within the Departmental hierarchy. The Manager of Operations and Manager of Administration and Marketing will complete the management team. This group will be charged with the effective and efficient operation of the Department, led by the Director.

2. A DIFFERENT WAY OF DELIVERING RECREATION SERVICES:

The Community Services Division, in particular, does not present consistent spans of control, nor does it provide a reasonable opportunity for the Division Manager to have effective oversight. The Manager has, in effect over 20 direct reports across the Centre Supervisors and Aquatic Supervisors work groups.

a) Two Recreation Districts:

The new organizational structure as proposed is attached as Schedule B. It proposes a shift to two recreation service units organized to serve a defined geographic area. An east-west orientation has been chosen as opposed to the more traditional view of how the City is divided: Mountain and Lower City.

The east-west division has been selected in order to promote coordination of programming between mountain and adjacent lower city recreation centres, primarily driven by swim lesson demand. All mountain recreation centres fill and often turn away registrants for children's swim lessons. At the same time, we have excess capacity at all of the lower city centres. Traditionally, patrons on the mountain would travel east or west to try to find programming alternatives, which often do not exist. A closer planning relationship will enable staff to coordinate classes with high demand in such a way that patrons can be encouraged to utilize the closest lower city centre i.e Hill Park and Central Memorial; Huntington and Laurier and McNab and Ryerson.

The east west configuration also matches the organization of the Parks Division of the Department of Public Works and Traffic. This match will enhance communications between the Departments with regards to sports field bookings (Parks maintains fields; Culture and Recreation schedules) and to maintenance services provided to one another (Public Works maintains Recreation Centre grounds and maintains parking lots while Culture and Recreation maintains parks buildings and water features.

The West Recreation District encompasses the City Wards 1,2,7 and 8. This staff group will manage all recreation centres in this area, coordinate arena and sports field bookings, work with local recreation and sports associations. This team will also lead service development for seniors and special needs populations for the City as a whole.

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The East Recreation District encompasses the City Wards 3,4,5 and 6 and will provide services as described above for this area. In addition, this team will lead the development and maintenance of aquatic programs, policies and standards.

b) Twinned Recreation Centres:

With regards the operation of city recreation centres, the twinning of facilities has long been contemplated and has been in place, partially for the past several years relative to the management of Central Memorial and Bennetto Recreation Centres.

Two full-time supervisors per recreation centre is a concept that is no longer sustainable in this tight budget environment. A team of one centre supervisor and one aquatic program coordinator will be able to provide effective leadership and quality control for the two facilities in their charge. A reinvestment in lower cost part-time program and lifeguard staff will ensure that current service levels will be maintained.

3. ONE OPERATIONS DIVISION:

A similar case is being made with regards the maintenance of Department and City facilities. One consolidated Operations Division will foster greater efficiency and effectiveness. With one Superintendent in charge of maintenance for all facilities within each of the recreation districts coordination of maintenance projects with program requirements will be enhanced.

This initiative effectively completes the integration process initiated with the transfer of the Building Operations function to the Department of Culture and Recreation and will involve the collapsing of the present Arenas and Technical Services, Outdoor Sports, and Building Operations and Maintenance Divisions into this new Division.

4. ONE MARKETING AND ADMINISTRATION DIVISION:

One small unit is being proposed to handle all aspects of the administrative function of the Department and, as with the operations consolidation, completes the integration of the Building Operations function.

This group will provide budget preparation leadership, reporting, quality control, audit and business planning support to the Department.

In addition, this Division will lead the marketing and information function, including computer systems development and web page support.

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5. ENHANCED PLANNING AND RESEARCH CAPABILITY:

The creation of a research and policy analyst position will create new capability for the Department to undertake in-house survey and research work in support of program and policy development. Interdisciplinary work groups will also be more easily assembled to consider planning and development tasks.

SUMMARY OF FINANCIAL IMPLICATIONS:

A detailed summary of the positions to be deleted and those to be created is appended as Schedule C. \$265,000 in savings will be achieved and a net total of 10 positions will be deleted from the middle management ranks of the Department.

IMPLEMENTATION PLAN:

If the restructuring plan is approved by Council, all affected employees will be asked to meet with the Director to review the plan and its implications on their employment status.

Department-wide briefing meetings will be held by the directed to ensure the entire workforce is aware of the new structure.

A critical path will be finalized in conjunction with Human Resources to produce new job descriptions and conduct hiring process interviews and placement.

All positions to be filled by appointment will be filled immediately and those to be posted will be at the earliest possible moment. Redundant employees will have the opportunity to apply with other internal candidates for posted positions.

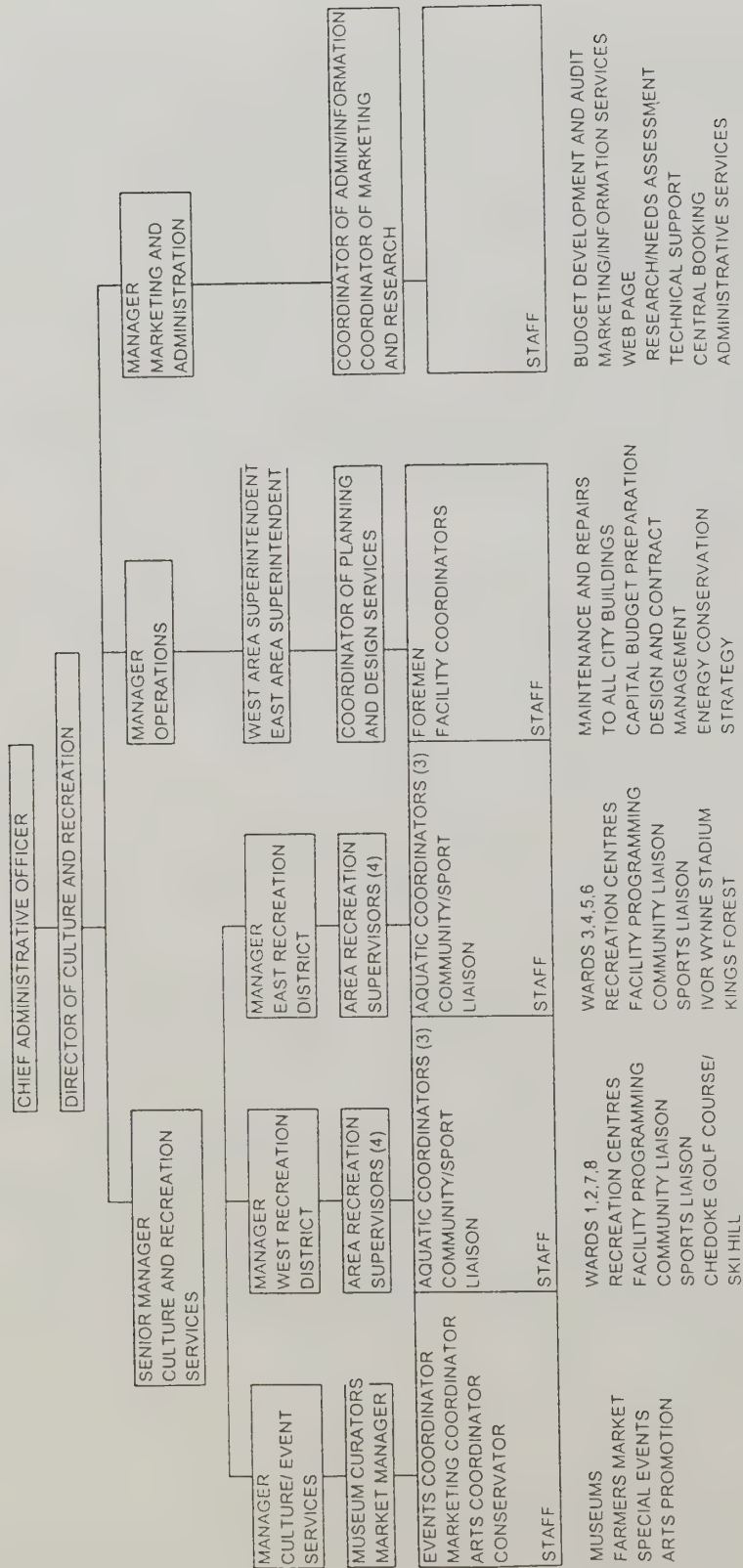
Where termination of service is projected the Non-Union Severance Policy and the relevant Collective Agreements will be used as tools to manage this process.

The summer months will be a period of transition with the end of September the target time period for the completion of terminations and the filling of postings.

I do not anticipate service interruptions during this process.

I will bring forward a status report at the completion of this process.

DEPARTMENT OF CULTURE AND RECREATION
PROPOSED ORGANIZATION CHART



REPORT OF THE PLANNING AND DEVELOPMENT COMMITTEE

To the Council of the Corporation of the City of Hamilton

Members of Council:

The Planning and Development Committee presents its **THIRTEENTH** Report for 1998 and respectfully recommends:

- 1.A. (a) That approval be given to Zoning Application 98-15, Amended Subdivision Application SA-89-04, (Regional File 25T-89002(R)), J. Zaborsky, owner, to establish a draft plan of subdivision "Annabelle Place", for lands located north of Stone Church Road West, west of West Fifth Street, as shown on the attached map marked as Appendix "A", subject to the following conditions:
- (i) That this approval apply to the plan, prepared by B. J. Clarke, O.L.S., dated April 1, 1998, as red line revised, showing 7 lots for single detached dwellings, future extension of Annabelle Street, two blocks for development with adjacent lands to the south and two blocks for a 0.3 m reserve as shown on the attached map marked as Appendix "B"; and,
 - (ii) That 2m by 2m daylight triangles be established on Lots 7 and 8 at the inside corner of the L-shape bends on Street "A"; and,
 - (iii) That the Owner pay the outstanding servicing costs on Annabelle Street to the City of Hamilton; and,
 - (iv) That the Owner acquire the 0.30m reserves shown as Parts 2 and 3 on Reference Plan 62R-14047 from the City of Hamilton; and,
 - (v) That the Owner show Blocks 10 and 11 on the draft plan as solid lines and establish as 0.30m reserves; and,
 - (vi) That the owner not require the issuance of a Building Permit for Block 8 until appropriate land assembly to the south has taken place; and,
 - (vii) That Blocks 8 and 9 be developed in conjunction with the abutting lands to the south; and,
 - (viii) That the final plan conform with the Zoning By-law approved under the Planning Act; and,

- (ix) That the owner provide the City of Hamilton with a certified list showing the net area and width of each lot and block and the gross area of the Subdivision in the Final Plan; and,
- (x) That the owner make a cash payment in lieu of the conveyance of 5% of the land included in the plan to the City of Hamilton as provided for under Section 51 of the Planning Act; and,
- (xi) That the owner erect a sign in accordance with Section XI of the subsequent Subdivision Agreement, prior to the issuance of a final release by the City of Hamilton; and,
- (xii) That the streets be named to the satisfaction of the City of Hamilton; and,
- (xiii) That the streets be dedicated to the City of Hamilton as public highways in the Final Plan; and,
- (xiv) That the owner prepare and submit, to the satisfaction of the Director of Planning and Development, a municipal street numbering plan; and,
- (xv) That such easements as may be required for utility or drainage purposes be granted to the appropriate authority; and,
- (xvi) That prior to development, the Owner prepare and implement an erosion and sediment control plan to the satisfaction of the City of Hamilton and Hamilton Region Conservation Authority and that said plan comply with the following requirements:
 - (1) That all erosion and sediment control measures be installed prior to development, and maintained throughout the construction process, until all disturbed areas have been revegetated; and,
 - (2) That the Owner provide an inspection report prepared by a qualified professional engineer of all erosion and sediment control measure after each rain fall to the satisfaction of the Senior Director, Roads Department; and,
 - (3) That any disturbed area not scheduled for further construction within 45 days be provided with a suitable temporary mulch and seed cover within 7 days of the completion of that particular phase of construction; and,
 - (4) That all disturbed areas be revegetated with permanent cover immediately following completion of construction; and,

- (xvii) That the Owner be required to enter into a modified subdivision agreement with the City of Hamilton prior to development of any portion of these lands; and,
 - (xviii) That the applicant/owner agree in writing, to satisfy all the requirements, financial and otherwise, of the City of Hamilton prior to development of any part of these lands; and,
 - (b) That the Subdivision Agreement be entered into by the Corporation of the City of Hamilton and the owner to provide for compliance with the conditions of approval established by the Regional Municipality of Hamilton-Wentworth with respect to this application (SA-89-04/25T-89002), "Annabelle Place" proposed draft plan of subdivision, and that the City execute the agreement when the said conditions have been met and the City's share of the cost of installing municipal services has been approved by City Council; and,
 - (c) That the City Clerk be directed to advise the Regional Commissioner of Environment of Council's decision.
- B. That approval be given to Zoning Application ZAC-98-15, J. Zaborsky, owner, requesting a change in zoning from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District, for lands located north of Stone Church Road West, west of West Fifth Street, to permit the development of three (3) single family dwellings in conjunction with adjoining lands, as shown on the attached map marked as Appendix "A" on the following basis:
- (a) That the lands be rezoned from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District; and,
 - (b) That the Director of Planning and Development be directed to prepare a By-law, in a form satisfactory to the City Solicitor, to amend Zoning By-law No. 6593, and Zoning District Map W-9C for presentation to City Council; and,
 - (c) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

- 2.A. (a) That approval be given to Revised Subdivision Application 98-01 (Regional File No. 25T-98003), Valery Construction Company Limited, owner, to establish a draft plan of subdivision "Woodland Meadows", for lands east of West 5th Street and north of Stone Church Road West, comprising of 18 lots for single family dwellings, 8 lots for semi-detached dwellings, 5 blocks for street townhouses, 1 block being a 0.30 m reserve, 1 block for road widening purposes and 2 streets identified as Streets "A" and "B", as shown on the attached map marked as Appendix "C", subject to the following conditions:
- (i) That this approval apply to the plan, as revised in red, prepared by Planning and Engineering Initiatives Ltd. and certified by J.P. Wooley, O.L.S. dated March 10, 1998, showing 18 lots for single detached dwellings, 8 lots for semi-detached dwellings, 5 blocks for townhouse units, 1 block being a 0.30 m reserve, 1 block for road widening purposes and 2 streets identified as Streets "A" and "B", attached as Appendix "D"; and,
 - (ii) That the proposed streets be named from the City of Hamilton reserved street name list to the satisfaction of the City of Hamilton and the Regional Municipality of Hamilton-Wentworth; and,
 - (iii) That the owner prepare and submit, to the satisfaction of the Director of Planning and Development, a municipal street numbering plan; and,
 - (iv) That the final plan conform with the Zoning By-law approved under the Planning Act; and,
 - (v) That the owner provide the City of Hamilton with a certified list showing the net area and width of each lot and block and the gross area of the subdivision in the final plan; and,
 - (vi) That the owner shall erect a sign in accordance with Section XI of the subsequent agreement, prior to the issuance of a final release by the City of Hamilton; and,
 - (vii) That the Owner make a cash payment in lieu of the conveyance of 5% of the land included in the plan to the City of Hamilton for park purposes; and,
 - (viii) That the Owner satisfy the following conditions to the satisfaction of the Hamilton Region Conservation Authority and the Manager, Development Engineering, Regional Environment Department:

1. That the Owner prepare and implement an erosion and sediment control plan for the subject property. The approved plan should include the following requirements and notes:
 - a. All erosion and sediment control measures shall be installed prior to development, and maintained throughout the construction process, until all disturbed areas have been revegetated; and,
 - b. All erosion and sediment control measures shall be inspected after each rainfall and maintained to the satisfaction of the Authority Engineer; and,
 - c. Any disturbed area not scheduled for further construction within 45 days shall be provided with a suitable temporary mulch and seed cover within 7 days of the completion of that particular phase of construction; and,
 - d. All disturbed areas shall be revegetated with permanent cover immediately following completion of construction.
2. That the requirements of the approved erosion and sediment control plan be included within the Subdivision Agreement for this property; and,
 - (ix) That the 5.18m road widening on West 5th Street, shown as Block 33, be dedicated to the Region of Hamilton-Wentworth for road widening purposes on the final plan; and,
 - (x) That Block 32 be removed and established as Street "A" on the final plan; and,
 - (xi) That the Owner agree to include the following clause in a registered portion of the subdivision agreement, to be registered on title of all lots within the plan of subdivision abutting West 5th Street and that the owner ensure that warning clauses are included on all offers of purchase and sale and reservation agreements to the satisfaction of the Director of Planning and Development and the City Solicitor:

Purchasers are advised that noise levels originating from West 5th Street may become of concern, occasionally interfering with some activities of the occupant.

- (xii) That the Owner agree to include the following clause in a registered portion of the subdivision agreement, to be registered on title of all Lots and Blocks within the subdivision and that the owner ensure that warning clauses are included on all offers of purchase and sale and reservation agreements to the satisfaction of the Director of Planning and Development and the City Solicitor:

Purchasers are advised that Street "A", between Street "B" and West 5th Street, may be closed to vehicular traffic at some future date when Picino Street is constructed to the north. Street "A" will be retained as a public walkway.

- (xiii) That a 1m by 1m daylight triangle road widening be established at the intersection of the "public street" and West 5th Street from Lot 1; and,
- (xiv) That a minimum 4m by 4m daylight triangle road widening be established on Lot 15 and 26 at the L-shape bend in the road on Street "A" and Street "B" to accommodate the off tracking of vehicles through the 90 degree bend in the 18.0m road allowance; and,
- (xv) That a 2m by 2m daylight triangle be established at the corner of Street "B" and the "public street" to West 5th Street from Block 14; and,
- (xvi) That prior to the final approval of 18m road rights-of-ways for the new "public street" to West 5th Street and Streets "A" and "B", the applicant/owner must provide written confirmation from all the respective Utility Companies that their facilities can be accommodated within the 18m right-of-way while still maintaining the standard municipal roadway cross section and municipal sidewalk locations. The owner will provide and pay for permanent conduit as required for various utilities due to the reduced road allowance width; and,
- (xvii) That the owner be required to pay for the entire construction of Street "A" from West 5th Street easterly; and,
- (xviii) The outside corner street radius on Street "A" should be decreased from 21.5m to 15m; and,

- (xix) That the applicant/owner provide the future replacement of Street "A" from Street "B" to West 5th Street with a walkway. This includes curb/street removal, landscaping and the curb alterations required at the intersections of Street "B" and Street "A" and Street "A" and West Fifth Street; and,
 - (xx) That the owner establish and convey a .30m reserve, shown as Block 32, along the south side of Street "A" to the City of Hamilton on the final plan for the purposes of access control; and,
 - (xxi) That the Owner provide and implement a Landscape and Tree Preservation Plan to the satisfaction of the Commissioner, Regional Environment Department; and,
 - (xxii) That the owner grant the City temporary right-of-way over Lots 9, 20, 21 and 31 in order to construct the standard 9m radius turning circles and provide a minimum of 6m behind the turning circle for snow storage, the construction of temporary drainage facilities and the temporary location of Utilities, as required; and,
 - (xxiii) That the owner agree not to request Building Permits for Lots 9, 20, 21 and 31 until such time as the temporary cul-de-sacs have been removed and a permanent street has been constructed adjacent to these lots to the satisfaction of the City of Hamilton; and,
 - (xxiv) That the Owner agree in writing to satisfy all requirements, financial and otherwise, of the City of Hamilton prior to development of any portion of these lands; and,
- (b) That the Subdivision Agreement be entered into by the Corporation of the City of Hamilton and the owner to provide for compliance with the conditions of approval established by the Regional Municipality of Hamilton-Wentworth with respect to this application (25T-98003), Valery Construction Company Ltd., owner, proposed draft plan of subdivision, and that the City execute the agreement when the said conditions have been met and the City's share of the cost of installing municipal services has been approved by City Council; and,
- (c) That the City Clerk be directed to advise the Regional Commissioner of Environment of Council's decision.

- B. That approval be given to Amended Zoning Application 98-13, Valery Construction Company Limited, owner, for changes in zoning from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District (Block "1") and from "AA" (Agricultural) District to "D" (Urban Protected Residential - One and Two Family, etc.) District (Block "2") for lands located east of West 5th Street and north of Stone Church Road West, as shown on the attached map marked as Appendix "C", on the following basis:
- (a) That Block "1" be rezoned from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District; and,
 - (b) That Block "2" be rezoned from "AA" (Agricultural) District to "D" (Urban Protected Residential - One and Two Family, etc.) District; and,
 - (c) That the "D" (Urban Protected Residential - One and Two Family District, etc.) District regulations, as contained in Section 10. of Zoning By-law No. 6593, applicable to Block "2", be modified to include the following variances as special requirements:
 - (i) That notwithstanding Section 10.(1) of Zoning By-law No. 6593, only the following uses shall be permitted:
 - 1. not less than 10 single family dwellings; and,
 - 2. not more than 8 two-family dwellings; and,
 - 3. not more than 16 street townhouse dwelling units subject to the "RT-30" District provisions of Section 10F.
 - (ii) That notwithstanding Section 10.(3)(i) of Zoning By-law No. 6593, the following shall apply:
 - 1) A front yard having a depth of not less than 4.5 m to the main wall of the dwelling shall be provided and maintained; and,
 - 2) A front yard having a depth of not less than 6.0 m to the garage or carport shall be provided and maintained; and,
 - (iii) That notwithstanding Section 10F.(9) of Zoning By-law No. 6593, for a townhouse dwelling not more than four single family dwelling units shall be attached in a continuous row; and,

- (iv) That notwithstanding Section 10F.(4)(a) of Zoning By-law No. 6593, the following shall apply:
 - 1) A front yard having a depth of not less than 4.5 m to the main wall of the dwelling shall be provided and maintained; and,
 - 2) A front yard having a depth of not less than 6.0 m to the garage or carport shall be provided and maintained; and,
- (d) That the amending by-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S - 1406, and that the Block "2" on Zoning District Map W-9C be notated S - 1406; and,
- (e) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map W-9C for presentation to City Council; and,
- (f) That Site Plan Control By-law No. 79-275, as amended by By-law 87-233, be amended by adding the lands identified as Blocks "1" and "2" to Schedule "A", including single family and two family dwellings; and,
- (g) That the City Solicitor be directed to prepare a By-law to amend By-law 79-275 to place the lands identified as Blocks "1" and "2", including single family and two family dwellings under Site Plan Control; and,
- (h) That the proposed changes in zoning are in conformity with the Official Plan for the Hamilton Planning Area; and,
- (i) That upon finalization of the implementing Zoning By-law, the approved Kernighan Neighbourhood Plan be amended to redesignate Blocks "1" and "2" from "Civic & Other Institutional" and "Utilities" to "Single & Double & Attached Housing" Residential and to recognize the road pattern and lotting configuration as shown on the revised draft plan of subdivision. In addition, a notation should be added to the Kernighan Neighbourhood Plan to indicate that Street "A", between Street "B" and West 5th Street, may be closed to vehicular traffic at some future date when Picino Street is constructed to the north. Street "A" will be retained as a public walkway.

- 3.A. (a) That approval be given to amended Subdivision Application 97-08 (Regional File No. 25T-98001), Visplar Holdings Inc., owner, to establish a draft plan of subdivision "Tiffany Park", on lands located west of Upper Paradise Road and south of Kordun Street in the Falkirk West Neighbourhood, as shown on the attached map marked as Appendix "E", subject to the following conditions:
- (i) That this approval apply to the plan, as revised in red, prepared by Wellington Consultants Ltd. and certified by Dan McLaren, O.L.S. of A.T. McLaren Ltd, dated June 11, 1998, showing 51 lots for single detached dwellings, 9 lots for semi-detached dwellings, 1 block for townhouse units, 11 blocks to be developed with the abutting lands for single family dwellings, 3 blocks for 0.30 m reserves, 2 blocks for a temporary sewer easement, 1 block for parkland, 1 block for open space purposes, and 4 streets identified as Streets "A", "B", "C" and "D", attached as Appendix "F"; and,
 - (ii) That the Owner dedicate Block "72" to the City of Hamilton for park purposes. Block "72" is not to be dedicated to the City of Hamilton until such time as the Owner has carried out an archaeological assessment of the entire development property and the Ministry of Citizenship, Culture & Recreation has confirmed in writing that all archaeological resource concerns have been met with respect to licensing and resource conservation requirements; and,
 - (iii) That the proposed streets be named from the City of Hamilton reserved street name list to the satisfaction of the City of Hamilton and the Regional Municipality of Hamilton-Wentworth; and,
 - (iv) That the owner prepare and submit, to the satisfaction of the Director of Planning, a municipal street numbering plan; and,
 - (v) That the final plan conform with the Zoning By-law approved under the Planning Act; and,
 - (vi) That the owner provide the City of Hamilton with a certified list showing the net area and width of each lot and the gross area of the subdivision in the final plan; and,
 - (vii) That the owner shall erect a sign in accordance with Section XI of the subsequent agreement, prior to the issuance of a final release by the City of Hamilton; and,

- (viii) That the Owner agree to include the following clauses in the subdivision agreement, and that the warning clauses be registered on title of all lots within the plan of subdivision abutting Upper Paradise Road and that the owner ensure that warning clauses are included on all offers of purchase and sale and reservation agreements to the satisfaction of the Director of Planning and Development and the City Solicitor:
1. *"Purchasers are advised that noise levels originating from Upper Paradise Road may become of concern, occasionally interfering with some activities of the occupant."*
 2. *"Purchasers are advised that under the provisions of the Zoning By-law applicable to the subject lands, swimming pools are not permitted."*
- (ix) That the Owner agree to include the following clause in the subdivision agreement, and that the warning clause be registered on title of all lots within the plan of subdivision fronting onto Street "C" and that the owner ensure that warning clauses are included on all offers of purchase and sale and reservation agreements to the satisfaction of the Director of Planning and Development and the City Solicitor:
- "Purchasers are advised that Street 'C' is to be extended southerly to connect with the future street access to Upper Paradise Road"*
- (x) That the Owner provide fencing to all residential lots adjacent to the "Tiffany Creek ESA" buffer which incorporates the bicycle path/pedestrian trail to the satisfaction of the Commissioner of the Regional Environment Department, the Manager of Parks, Parks Division, Department of Public Works and Traffic and the Hamilton Region Conservation Authority; and,
- (xi) That Block "A" not be registered until such time as the grading plan for the subject lands, including the lands located within the "Tiffany Creek ESA" buffer which incorporates the bicycle path/pedestrian trail, has been approved by the Commissioner of the Regional Environment Department and the Manager of Parks, Parks Division, Department of Public Works and Traffic. Depending on the final grading, the size and shape of Block "61" may be reduced; and,

- (xii) That the Owner dedicate Block 73, being the "Tiffany Creek ESA" buffer which incorporates the bicycle path/pedestrian trail, to the City of Hamilton for open space purposes; and,
- (xiii) That the right of way of Street "A" be shifted southerly approximately 4 m to ensure that the lane alignment with the school access on the east side of Upper Paradise Road is in accordance with the City of Hamilton standard mid-block collector street cross section. The final alignment will be determined at the Engineering Plan stage and this roadway shift must be to the satisfaction of the Commissioner of Transportation; and,
- (xiv) That any works required, as a result of the final engineering design of the intersection of Street "A" and Upper Paradise Road, on lands of the School Board to align and/or widen the access of the School Board to match the mid-block intersection pavement width on Street "A" are the sole responsibility of the applicant/owner; and,
- (xv) The Street "A" be established at a 26 m width road allowance from the widened limits of Upper Paradise Road to 90 m westerly and that the transition points between road allowance width changes be clearly shown so that the north side of the road allowance will have a 3.0 m transition and the south side will have a 1.0 m transition; and,
- (xvi) That the applicant must submit a plan showing the lotting and driveway locations for Lots 15 to 19 inclusive and Lots 46 to 49 inclusive and finalize the driveway locations to the satisfaction of the Commissioner of Transportation and the Commissioner of Public Works and Traffic. A covenant must be registered on title for each of Lots 15 to 19 inclusive and Lots 46 to 49 inclusive showing the approved driveway location; and,
- (xvii) That a centreline radius on Street "A" of 120 m, adjacent to Lots 29, 35 and 36 should be clearly identified on the plan; and,
- (xviii) That 2 m by 2 m road widening daylight triangles be established on the inside of all the L-shape bends in the roadways. These include Block 62, Lot 24 and Lot 28; and,

- (xix) That a 12 m by 12 m daylight triangle, established at the widened limits of Street "A" and Upper Paradise Road, be shown as a Block on the final plan and dedicated to the City by Certificate for road widening purposes; and,
- (xx) That the phasing of this subdivision be to the satisfaction of the City Engineer. The maximum number of residential units temporarily dependent on a single street access shall not exceed 100 units; and,
- (xxi) That the southerly six (6) residential lots (shown as Lots 5 to 10 inclusive) and the temporary sewer easement fronting on Upper Paradise Road not be registered until such time as either Upper Paradise Road is realigned vertically to provide required motorists sight lines to the satisfaction of the Commissioner of Transportation or until such time as the total costs for this vertical realignment of Upper Paradise Road, as noted above, has been secured in an executed subdivision agreement to the satisfaction of the Commissioner, Regional Environment Department; and,
- (xxii) That the alignment of the westerly north-south street shown as Street "D" on the plan be to the satisfaction of the Commissioner of Transportation; and,
- (xxiii) That the final plan be revised to provide a minimum centreline radius for Street "D" of no less than 250 m adjacent to Lots 34, 25 and 26 to the satisfaction of the Commissioner of Transportation; and,
- (xxiv) That Lot 1 must have a minimum frontage of 4.5 m outside of the limits of the 12.0 m by 12.0 m daylight triangle, in order to provide access to Upper Paradise Road; and,
- (xxv) That Street "C", Block 61 and Lots 21 to 28 (inclusive) not be registered until the Falkirk West Neighbourhood Plan is amended to indicate a public street connection south of the mid-block collector street southerly to connect with the east-west street shown on lands to the south of this draft plan; and,

- (xxvi) That the Owner not require the issuance of Building Permits for those Lots and Blocks for that portion of the temporary sewer easement adjacent to Upper Paradise Road that abut onto the temporary turnaround at the end of Street "C", until such time as Street "C" is extended to connect to a highway to the south of this plan; and,
- (xxvii) That the Owner provide a "temporary" turnaround at the south end of Street "C" to the satisfaction of the City Engineer; and,
- (xxviii) That the applicant/owner submit a tree preservation plan for all trees within the Upper Paradise Road allowance, as widened. This plan must be prepared by a qualified Arborist or Landscape Architect and must include all existing trees, including caliper and species, and whether the trees will be retained or removed. The costs of any tree removal and replacement are the sole responsibility of the applicant/owner; and,
- (xxix) That Blocks 62 to 71, inclusive be developed in conjunction with the abutting lands; and,
- (xxx) That the Owner clearly define "Block 73" and its boundaries on the plan to the satisfaction of the Director, Planning and Development Department, the Hamilton Region Conservation Authority and the Manager, Development Engineering, Regional Environment Department; and,
- (xxxi) That the intersection of Street "A" with Streets "C" and "D" intersect at right angles to the satisfaction of Commissioner of Transportation and the Commissioner of Public Works and Traffic; and,
- (xxxii) That the Owner satisfy the following conditions to the satisfaction of the Hamilton Region Conservation Authority and the Manager, Development Engineering, Regional Environment Department:
 - 1. That the Owner prepare and implement an erosion and sediment control plan for the subject property. The approved plan should include the following requirements and notes:

- a. The approved erosion and sediment control plan shall show a limit of work fence located approximately 5 metres from the identified edge of the wetland/ESA boundary; and,
 - b. All erosion and sediment control measures shall be installed prior to development, and maintained throughout the construction process, until all disturbed areas have been revegetated; and,
 - c. All erosion and sediment control measures shall be inspected after each rainfall and a summary inspection report, prepared by a qualified engineer, shall be submitted to the satisfaction of the City Engineer; and,
 - d. Any disturbed areas not scheduled for further construction within 45 days shall be provided with a suitable temporary mulch and seed cover within 7 days of the completion of that particular phase of construction; and,
 - e. All disturbed areas shall be revegetated with permanent cover immediately following completion of construction.
2. That the Owner prepare and implement a detailed grading plan for the subject property to the satisfaction of the Hamilton Region Conservation Authority; and,
 3. That the Owner prepare and implement a stormwater management plan for the subject property. The plan shall address water quantity and quality issues and will ensure that post development flows will equal pre-development levels and that current provincial drainage and stormwater management guidelines are implemented; and,

4. That the Owner install a 1.5 metre high continuous chain link fence along the rear property boundary adjacent to the Tiffany Creek wetland/ESA of Block 74 to the satisfaction of the Hamilton Region Conservation Authority; and,
 5. That the above noted conditions be included in the Subdivision Agreement for the subject lands; and,
- (xxxiii) The owner must enter into a subdivision agreement with the City of Hamilton prior to the development of any portion of these lands; and,
- (xxxiv) That the owner agree in writing to satisfy all requirements, financial and otherwise, of the City of Hamilton prior to development of any portion of these lands; and,
- (b) That the Subdivision Agreement be entered into by the Corporation of the City of Hamilton and the owner to provide for compliance with the conditions of approval established by the Regional Municipality of Hamilton-Wentworth with respect to this application (25T-98001), Visplar Holdings Inc., owner, proposed draft plan of subdivision, and that the City execute the agreement when the said conditions have been met and the City's share of the cost of installing municipal services has been approved by City Council; and,
- (c) That the City Clerk be directed to advise the Regional Commissioner of Environment of Council's decision.
- B. That approval be given to Amended Zoning Application ZAC-97-42, Visplar Holdings Inc., owner, for changes in zoning from "AA" (Agricultural) District to "D" (Urban Protected Residential - One and Two Family, etc.) District (Blocks "1", "2", "3", "4"); from "C" (Urban Protected Residential, etc.) District to "D" (Urban Protected Residential - One and Two Family, etc.) District (Block "5") and from "AA" (Agricultural) District to "RT-20" (Townhouse - Maisonette) District (Block "6") for lands located west of Upper Paradise Road and south of Kordun Street, known municipally as 1016, 1062 and 1088 Upper Paradise Road, as shown on the attached map marked as Appendix "E", on the following basis:

- (a) That Blocks "1", "2", "3" and "4" be rezoned from "AA" (Agricultural) District to "D" (Urban Protected Residential - One and Two Family, etc.) District; and,
- (b) That Block "5" be rezoned from "C" (Urban Protected Residential, etc.) District to "D" - 'H' (Urban Protected Residential - One and Two Family, etc. - Holding) District; and,
- (c) That Block "6" be rezoned from "AA" (Agricultural) District to "RT-20" (Townhouse - Maisonette) District; and,
- (d) That the amending By-law apply the holding provisions of Section 36(1) of the Planning Act, R.S.O. 1990, to Block "5", by introducing the holding symbol 'H' as a suffix to the proposed Zoning District. The holding provision will prohibit the development of the subject lands until such time as Upper Paradise Road has been realigned to the satisfaction of the Commissioner of Transportation.

City Council may remove the 'H' symbol, and thereby give effect to the "D" District provisions as stipulated in the By-law, by enactment of an amending By-law once the condition is fulfilled; and,

- (e) That the "D" (Urban Protected Residential - One and Two Family, etc.) District regulations, as contained in Section 10 of Zoning By-law No. 6593, applicable to Block "2", be modified to include the following variance as a special requirement:

That notwithstanding Section 10.(4)(i) of Zoning By-law No. 6593, for a single family dwelling a lot width of at least 11.0 metres and an area of at least 325.0 square metres shall be provided and maintained;

- (f) That the "D" (Urban Protected Residential - One and Two Family, etc.) District regulations, as contained in Section 10 of Zoning By-law No. 6593, applicable to Block "3", be modified to include the following variance as a special requirement:

That notwithstanding Section 10.(4)(i) of Zoning By-law No. 6593, for a two family dwelling a lot width of at least 18.0 metres and an area of at least 500.0 square metres shall be provided and maintained;

- (g) That the "D" (Urban Protected Residential - One and Two Family, etc.) District regulations, as contained in Section 10 of Zoning By-law No. 6593, applicable to Block "1", "2" and "3", be modified to include the following variances as special requirements:
 - (i) That notwithstanding Section 10A.(3)(i) of Zoning By-law No. 6593, the following shall apply:
 - 1) A front yard having a depth of not less than 3.0 m to the main wall of the dwelling;
 - 2) A front yard having a depth of not less than 6.0 m to the garage or carport;
 - (ii) That lot coverage of all buildings and structures shall not exceed 40% of the lot area;
 - (iii) That lot coverage shall mean the percentage of the lot area covered by a building or buildings including accessory buildings;
 - (iv) That notwithstanding Section 18.(4) of Zoning By-law No. 6593, a swimming pool shall not be permitted;
- (h) That the "D" (Urban Protected Residential - One and Two Family, etc.) District regulations, as contained in Section 10 of Zoning By-law No. 6593, applicable to Block "4" be modified to include the following variances as special requirements;
 - (i) That notwithstanding Section 10.(4)(i) of Zoning By-law No. 6593, for a single family dwelling a width of at least 12.0 m and a lot area of at least 350.0 square metres shall be provided and maintained;

- (ii) That notwithstanding Section 10.(4)(ii) of Zoning By-law No. 6593, for a two family dwelling a lot width of at least 18.0 metres and an area of at least 505.0 square metres shall be provided and maintained;
- (i) That the "D" (Urban Protected Residential - One and Two Family, etc.) District regulations, as contained in Section 10 of Zoning By-law No. 6593, applicable to Blocks "4" and "5", be modified to include the following variances as special requirements:
 - (i) that notwithstanding Section 10.(3)(i) of Zoning By-law No. 6593, a front yard of a depth of at least 4.5 metres shall be provided and maintained;
 - (ii) a roofed-over porch having a minimum width of 30% of the lot width and a minimum depth of 2.0 m shall be provided and maintained for every single family dwelling and two family dwelling;
 - (iii) that notwithstanding Section 18.(3)(d) of Zoning By-law No. 6593, a roofed-over porch shall be setback at least 1.0 metres from the front lot line;
 - (iv) that notwithstanding Section 10.(3)(ii) of Zoning By-law No. 6593, for a single family dwelling one side yard of at least 0.9 metres and one side yard of at least 2.7 metres shall be provided and maintained;
 - (v) that notwithstanding Section 10.(3)(ii) of Zoning By-law No. 6593, for a two family dwelling a side yard of at least 2.7 metres shall be provided and maintained;
 - (vi) no single family dwelling shall be situate less than 3.7 metres from a single family dwelling situate on the abutting lot or tract of land, measured between the exterior walls of the building;

- (vii) no two family dwelling shall be situate less than 7.4 metres from a single family dwelling or two family dwelling situate on the abutting lot or tract of land, measured between the exterior walls of the building;
 - (viii) that in addition to the requirements of Section 18A. of Zoning By-law No. 6593, a T-shaped manouvering area shall be provided and maintained in the rear yard for each single family dwelling;
 - (ix) for every single family dwelling and two family dwelling, one of the required parking spaces shall be provided and maintained in a detached garage;
 - (x) lot coverage of all buildings and structures shall not exceed 40% of the lot area;
 - (xi) lot coverage shall mean the percentage of the lot area covered by a building or buildings including accessory buildings;
 - (xii) that notwithstanding Section 18.(4) of Zoning By-law No. 6593, a swimming pool shall not be permitted;
- (j) That the amending by-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S - 1405, and that the Blocks "1", "2", "3", "4" and "5" on Zoning District Map W-37D be notated S - 1405; and,
- (k) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map W-37D for presentation to City Council;
- (l) That Site Plan Control By-law No. 79-275, as amended by By-law 87-233, be amended by adding the lands identified as Blocks "1", "4" and "5", including single family and two family dwellings, to Schedule "A";
- (m) That the City Solicitor be directed to prepare a By-law to amend By-law 79-275 to place the lands identified as Blocks "1", "4" and "5", including single family and two family dwellings, under Site Plan Control;

- (n) That the proposed changes in zoning are in conformity with the Official Plan for the Hamilton Planning Area; and,
 - (o) That upon finalization of the implementing Zoning By-law, the approved Falkirk West Neighbourhood Plan be amended to redesignate Blocks "1", "2" and "3" from "Single and Double" Residential to "Innovative Housing" and to recognize the road pattern and lotting configuration as shown on the proposed draft plan of subdivision.
4. That approval be given to Zoning Application 98-16, Daniel Ford, owner, for a change in zoning from "G-3" (Public Parking Lots) District to "D" (Urban Protected Residential - One and Two Family Dwellings, etc.) District, for lands located at the rear of No. 27 Albert Street, as shown on the attached map marked as Appendix "G", to permit development of the lands in conjunction with the front portion of No. 27 Albert Street for one single-family dwelling, on the following basis:
- (a) That subject lands be rezoned from "G-3" (Public Parking Lots) District to "D" (Urban Protected Residential - One and Two Family Dwellings, etc.) District; and,
 - (b) That the amending Zoning By-law, which has been prepared in a form satisfactory to the City Solicitor, be presented to City Council for adoption; and,
 - (c) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area; and,
 - (d) That the Approved Blakely Neighbourhood Plan be amended by redesignating the lands at No. 27 Albert Street from "Medium Density Apartments" to "Single and Double Residential", upon finalization of the implementing Zoning By-law.
5. That approval be given to Zoning Application 98-19, Jacinto Arruda, owner, for changes in zoning from "C" (Urban Protected Residential, etc.) District (Block "1") and "AA" (Agricultural) District (Block "2") to "R-4" (Small Lot Single Family Dwelling) District, to permit two small lot detached dwellings, for the lands located at Nos. 349 and 353 Acadia Drive, as shown on the attached map marked as Appendix "H", on the following basis:

- (a) That Block "1" be rezoned from "C" (Urban Protected Residential, etc.) District to "R-4" (Small Lot Single Family Dwelling) District; and,
 - (b) That Block "2" be rezoned from "AA" (Agricultural) District to "R-4" (Small Lot Single Family Dwelling) District; and,
 - (c) That the amending Zoning By-law, which has been prepared in a form satisfactory to the City Solicitor be presented to City Council for adoption; and,
 - (d) That the proposed changes in zoning are in conformity with the Official Plan for the Hamilton Planning Area.
6. That approval be given to Zoning Application ZAC-98-11, St. Nicholas Ukrainian Catholic Parish, applicant, requesting a modification to the "D" (Urban Protected Residential - One and Two Family Dwelling, etc.) District, to permit the development of a two storey, 36 unit senior citizens multiple dwelling, in conjunction with the existing church and rectory, for property located at 260 Melvin Avenue, as shown on the attached map marked as Appendix "I", on the following basis:
- (a) That the "D" (Urban Protected Residential - One and Two Family Dwellings, etc.) District, as contained in Section 10 of Zoning By-law No. 6593, applicable to the subject lands, be modified to include the following variances as special requirements:
 - (i) That notwithstanding Section 4.(3)(a) of Zoning By-law No. 6597, a senior citizens multiple dwelling will be permitted on the same lot as an institutional building; and,
 - (ii) That notwithstanding Section 10.(1), a two storey senior citizens multiple dwelling, with a maximum of 36 units, including a common dining room and kitchen as accessory uses, shall be permitted in conjunction with an existing church and rectory; and,
 - (iii) That notwithstanding Section 10.(3)(ii), an easterly side yard of not less than 7.8 m shall be provided and maintained; and,

- (iv) That notwithstanding Section 10.(3)(iii), a rear yard depth of not less than 12.8 m shall be provided and maintained; and,
- (iv) That notwithstanding Section 18A.(1)(c) of Zoning By-law No. 6593, one loading space of 9.0 m x 3.7 m x 4.3 m shall be provided and maintained; and,
- (vi) That notwithstanding Section 18A.(7) of Zoning By-law No. 6593, not more than 46 parking spaces of 2.7 m x 5.5 m shall be permitted on the surface parking area; and,
- (vii) That notwithstanding Section 18A.(14g), parking provided and maintained in the required front yard shall be set back not less than 3.0 m from the front lot line; and,
- (viii) Notwithstanding Section 18A.(24)(b)(i), the existing westerly access drive shall be not less than 4.5 m in width; and,
- (ix) Notwithstanding Section 18A.(25), the existing westerly access drive shall be permitted adjacent to the residential district abutting the westerly lot line for a distance of not more than 71.2 m from the northerly lot line; and,
- (x) That notwithstanding Section 18A.(25), the access ramp for the senior citizens multiple dwelling shall be setback a minimum of 2.5 m from the westerly lot line; and,
- (xi) A minimum 2.5 m wide planting strip shall be provided and maintained along the westerly lot line for a distance of not less than 50.7 m from the south lot line; and,
- (xii) A minimum 50% of the lot area shall be provided and maintained as landscaped area; and,
- (xiii) For the purposes of this by-law, a "senior citizens multiple dwelling" shall mean a multiple dwelling wherein all residents are not less than 55 years of age.

- (b) That the amending By-law be added to Section 19B of zoning By-law No. 6593 as Section S-1407, and that the subject lands on Zoning District Map W-46 be notated S-1407; and,
- (c) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map W-46 for presentation to City Council; and,
- (d) That the proposed change in zoning is in conformity with the Official Plan for the City of Hamilton Planning Area.

Recorded vote.

YEAS: Mayor Morrow, Aldermen Kiss, Caplan, Horwath, Corsini, Morelli, Haining, Copps, Eisenberger, Collins, Charters, Jackson, Anderson, Kelly, D'Amico, O'Sullivan. -16.

NAYS: Alderman Wilson. -1.

CARRIED.

7. That approval be given to Zoning Application ZAC-98-14, H.G.H. Developments Ltd. (A. DeSantis), owner, requesting a change in zoning from "JJ" (Restricted Light Industrial) District to "HH" (Restricted Community Shopping and Commercial, etc.) District modified (Block "1"), and a modification to the "HH" (Restricted Community Shopping and Commercial, etc.) District (Block "2"), to permit commercial development, for lands located at Nos. 237 - 247 Centennial Parkway North, as shown on the attached map marked as Appendix "J", on the following basis:

- (a) That Block "1" be rezoned from "JJ" (Restricted Light Industrial) District to "HH" (Restricted Community Shopping and Commercial, etc.) District; and,
- (b) That the "HH" (Restricted Community Shopping and Commercial, etc.) District regulations, as contained in Section 14A of Zoning By-law No. 6593, applicable to Blocks "1" and "2", be modified to include the following variances as special provisions:
 - (i) That notwithstanding Section 14A. (3)(a), no front yard setback shall be provided or maintained for the southerly building only on Block "2"; and,

- (ii) That notwithstanding Section 14A.(3)(c), a rear yard of a depth of at least 4.5 m shall be provided and maintained to the westerly lot line; and,
 - (iii) That notwithstanding Section 18A.(1)(d) of Zoning By-law No.6593, a minimum of one loading space measuring 18.0m x 3.7m x 4.3m shall be provided and maintained; and,
 - (iv) That not more than one access driveway shall be provided and maintained along the easterly lot line; and,
 - (v) That not more than two access driveways shall be provided and maintained along the southerly lot line; and,
 - (vi) That a landscaped area having a minimum average width of 3.0 m but not less than 1.0 m in width, shall be provided and maintained along the entire easterly lot line, except for the area used for an access driveway; and,
 - (vii) That a landscaped area having a minimum average width of 3.0 m but not less than 1.0 m in width, shall be provided and maintained along the entire easterly 70.0 m of the southerly lot line, except for any area used for an access driveway.
- (c) That the amending By-law be added to Section 19B of Zoning By-law No.6593 as Schedule S-1408, and that the subject lands on Zoning District Map E-103 be notated S-1408; and,
- (d) That the City Solicitor be directed to prepare a by-law to amend Zoning By-law No. 6593 and Zoning District Map E-103 for presentation to City Council; and,
- (e) That the proposed changes in zoning are in conformity with the Official Plan for the Hamilton Planning Area.

8. (a) That approval be given to the proposed Official Plan Amendment to establish policies and to introduce a new Schedule for the protection of the rental housing stock, on the following basis:

(i) That a new Schedule "K" - Local Housing Market Zones be added to the Official Plan; and,

(ii) That the following new policies be added to Subsection C.7 - Residential Environment and Housing Policy as follows:

"C.7.11 To protect the adequate provision of a full range of housing, conversion to condominium of rental apartment and/or townhouse units comprised of six or more units will be permitted provided one of the following criteria is met:

(i) (a) the rental vacancy rate by dwelling/structure type for the City has been at or above 2.0% for the preceding twenty-four (24) months; and,

(b) the proposed conversion will not reduce the rental vacancy rate by dwelling/structure type to below 2.0% for the City; and,

(c) the existing market rent levels in occupied units for the units proposed to be converted are not below the average market rent levels for the City for rental units of a similar dwelling/structure type and bedroom type; or,

(ii) (a) the rental vacancy rate by dwelling/structure type for the City has been at or above 2.0% for the preceding twenty-four (24) months; and,

- (b) the proposed conversion will not reduce the rental vacancy rate by dwelling/structure type to below 2.0% for the City; and,
 - (c) if the existing market rent levels in occupied units for the units proposed to be converted are below the average market rent levels for the City for rental units of a similar dwelling/structure type and bedroom type, the rental vacancy rate by dwelling/structure type for the respective local housing market zone has been at or above 2.0% for the preceding twenty-four (24) months; or,
 - (iii) Notwithstanding i) and ii) and only in response to special circumstances, Council is satisfied the removal of the rental housing units will not adversely affect the supply of rental housing in the City.
- C.7.12 Demolition of rental apartment and/or townhouse units comprised of six or more units will be permitted provided one of the following criteria is met:
- (i) the building is determined to be structurally unsound through the submission of a structural audit, prepared by a qualified professional, and such audit is deemed acceptable by the City; or,
 - (ii) one of the criteria as set out in Policy C.7.11.
- C.7.13 (i) For the purposes of policies C.7.11 and C.7.12, the statistical data used for rental vacancy rates, rent charges, dwelling/structure types will be determined by the rental market surveys conducted by the Canada Mortgage and Housing Corporation (CMHC). Other available statistical data on rental

market trends may be used to supplement the CMHC statistics; and,

- (ii) Schedule "K" identifies the following local housing market zones for purposes of analyzing the Hamilton housing market:

- (a) Central Hamilton
- (b) East Hamilton
- (c) West Hamilton
- (d) Hamilton Mountain

- (b) That the Council adopted policy in regard to condominium conversions and demolitions endorsed by Council on May 26, 1998 be rescinded; and,
- (c) That Planning and Development Department staff undertake a review of the Official Plan policies in regard to condominium conversions and demolitions within a two-year period.
- (d) That the Director of Planning and Development be directed to prepare a By-law, in a form satisfactory to the City Solicitor, for submission to the Regional Municipality of Hamilton-Wentworth for approval.

Recorded vote.

YEAS: Aldermen Caplan, Corsini, Eisenberger, Charters, D'Amico. -5

NAYS: Aldermen Kiss, Horwath, Morelli, Haining, Copps, Wilson, Collins, Jackson, Anderson, Kelly, and O'Sullivan. -11. **LOST.**

- 9. (a) That the Stinson Neighbourhood Plan Update - 1998, as distributed to the Members of Council under separate cover be adopted; and,
- (b) That the Stinson Implementation Schedule, attached as Appendix "K", be adopted as the means for carrying out the Stinson Neighbourhood Plan, and that it be forwarded to the appropriate Departments for action.

10. (a) That of the \$650,000 approved in the 1998 Capital Budget for downtown rehabilitation loans and grants, \$400,000 be allotted to the Core Heritage Program; and,
- (b) That of the \$650,000 approved in the 1998 Capital Budget for downtown rehabilitation loans and grants, \$250,000 be allotted to the Convert/Renovate-to-Rent Loan Program in addition to the \$200,000 approved in the 1998 Capital Budget for this program; and,
 - (i) That the current funding limit of four (4) units per deeded property, under the Convert/Renovate-to-Rent Loan Program, be replaced with a new limit of eight (8) units per deeded property; and,
 - (ii) That the Convert/Renovate-to-Rent Loan Program be renamed the Convert/Renovate-to-Residential Loan Program; and,
 - (iii) That the Convert/Renovate-to-Rent Loan Program be made available to developers of condominium conversions of non-residential to residential, provided that the developer provides acceptable collateral security; and,
 - (iv) That the current per unit maximum funding limit of \$12,000 per unit, be increased to a maximum of \$20,000 for conversions/renovations in excess of 600 square feet per unit at the rate of \$20 per square foot to adequately reflect the cost of upgrading and new construction; and,
- (c) That the loan interest charged to new borrowers under the existing Commercial Property Improvement Loan Program (CPILP) be reduced from half of prime to zero per cent interest, except when the borrower is in default in which case interest shall be charged on arrears at the same rate as that prescribed for property tax arrears; and,

- (d) That the loan interest charged to new borrowers under the existing Hamilton Community Heritage Fund Program be reduced from 2% interest to zero per cent interest, except when the borrower is in default in which case interest shall be charged on arrears at the same rate as that prescribed for property tax arrears; and,
- (e) That the Hamilton Halton Home Builders' Association be requested to provide, under their downtown project, their inventory and design concepts and analysis of buildings in the International Village B.I.A. and Downtown B.I.A. for building owners to utilize; and,
- (f) That the Building Commissioner and the Chief Administrative Officer be given authority to approve downtown loan and grant applications that meet program criteria and that Information Reports on such approvals be provided to the Planning and Development Committee; and,
- (g) That the following Community Improvement Plans be amended to incorporate the program changes recommended:
 - (i) The Concession Street Community Improvement Plan; and,
 - (ii) The Downtown Hamilton Community Improvement Plan; and,
 - (iii) The Downtown Hamilton B.I.A. Community Improvement Plan; and,
 - (iv) The International Village Community Improvement Plan; and,
 - (v) The Main Street West Community Improvement Plan; and,
 - (vi) The Ottawa Street Community Improvement Plan; and,
 - (vii) The Westdale Village Community Improvement Plan; and,
 - (viii) The Barton General Community Improvement Plan; and
 - (ix) That Barton Village Community Improvement Plan; and,
- (h) That the City Solicitor be directed to prepare the necessary By-laws amending the Community Improvement Plans as per part (g) of the aforementioned recommendation; and,
- (i) That the Planning and Development Committee convene a public meeting regarding the amendments to the Community Improvement Plans.

11. (a) That the City of Hamilton, pursuant to its mandate of Community Improvement and Renewal under the Planning Act, implement the heritage funding program known as the "Core Heritage 2000 Program" (as generally outlined in the attached Appendix "L") to provide matching grants to owners of buildings for facade restoration; improvement of storefront design, including installation of canopies; and improvement to commercial signage for the area defined in the Downtown Hamilton Community Improvement Plan (Queen St. to Cannon St. to Victoria Ave. to Hunter St.); and,
- (b) That, as a pre-condition of eligibility, that a Facade Improvement Study be prepared and adopted by Council for each specific area or streetscape; and,
- (c) That the Facade Improvement Study initiated by the International Village BIA and prepared by Juris E. Berzins, Urban Designer, in March 1992, be adopted in principle and utilized (details to be reviewed at time of application) for King Street East, Mary Street to Wellington Street; and,
- (d) That a Facade Improvement Study be undertaken by the Planning and Development Department for the block on King Street East between Catharine Street and Mary Street; and,
- (e) That the James North Heritage District Plan by Nicholas Hill be adopted as the basis for Facade Designs on James North; and,
- (f) That the Core Heritage 2000 Program be extended to tenants of eligible properties within the Downtown Hamilton Community Improvement Project Area; and,
- (g) That the Gore Heritage 2000 Program criteria, approved by City Council on 1997 April 8, be amended to be consistent with the Core Heritage 2000 Program criteria; and,
- (h) That Planning and Development Committee convene a public meeting to receive citizen input on the Core Heritage 2000 Program's eligibility criteria and the changes to the Downtown Hamilton Community Improvement Plan.

12. That the Building Department be authorized and directed to adopt a "proactive" approach on enforcement of the Property Standards By-Law on commercial buildings in the Downtown Community Improvement Project Area, using procedures of the by-law to effect improvements in property.
13.
 - (a) That the eligibility criteria for the tenant component of the Commercial Property Improvement Loan Program, (attached as Appendix "M"), be approved; and,
 - (b) That the eligibility criteria for the tenant component of the Commercial Property Improvement Loan/Grant Program applicable specifically to the Barton General Community Improvement Plan, (attached as Appendix "N"), be approved, and,
 - (c) That the eligibility criteria for the tenant component of the Commercial Property Improvement Loan/Grant Program applicable specifically to the Barton Village Community Improvement Plan, (attached as Appendix "O"), be approved, and,
 - (d) That, in accordance with the Planning Act, the Planning and Development Committee convene a public meeting to receive citizen input on the tenant eligibility criteria and the changes to the relevant Community Improvement Plans; and,
 - (e) That the Community Improvement Plans be amended to incorporate the program changes recommended:
 - (i) The Concession Street Community Improvement Plan; and,
 - (ii) The Downtown Hamilton Community Improvement Plan; and,
 - (iii) The Downtown Hamilton B.I.A. Community Improvement Plan; and,
 - (iv) The International Village Community Improvement Plan; and,
 - (v) The Main Street West Community Improvement Plan; and,
 - (vi) The Ottawa Street Community Improvement Plan; and,
 - (vii) The Westdale Village Community Improvement Plan; and,
 - (viii) The Barton General Community Improvement Plan; and
 - (ix) That Barton Village Community Improvement Plan; and,

- (f) That the City Solicitor be directed to prepare the necessary By-laws amending the Community Improvement Plans as per part (e) of the aforementioned recommendation; and,
 - (g) That paragraph 2.10(b)(ii) of Schedule "A" to By-law No. 96-035, the Community Improvement Plans for the Concession Street, Downtown Hamilton, International Village, Main Street West, Ottawa Street North and Westdale Village Community Improvement Project Areas be amended by removing the word "not" in the paragraph reading "consent to a City Lien being registered on title to the property being improved in which the property owner must have at least 20% equity, after covering outstanding property encumbrances, *not* including the amount of the City's loans;".
14. (a) That a Business Improvement Area be designated on King Street West between Caroline Street and Queen Street as per Appendix "P" in accordance with the Business Association's request attached as Appendix "Q"; and,
- (b) That the City Clerk's Department be authorized and directed to send out notices of the intention of Council to pass a by-law to designate King Street West from Caroline Street to Queen Street as a Business Improvement Area in accordance with Section 220 of the Municipal Act, R.S.O. 1990, c.M.45 as amended; and,
- (c) That the City Solicitor be directed to prepare a by-law designating a Business Improvement Area on King Street between Queen Street and Caroline Street as per Appendix 'A' in accordance with Section 220 of the Municipal Act.
15. That the City Solicitor be directed to prepare a certificate of validation pursuant to the Planning Act for Blocks 10, 11, 12, 13 and 14, Plan 62M-657 and Part of Lots 3, 4, and 5, Registered Plan 1059 designated as Parts 5, 6, 7, 8, 9 and 10 on Reference Plan 62R-10203.
16. (a) That the following prizes be awarded to Mohawk College broadcasting students for their submissions in the Tenth Annual Public Service Announcement (P.S.A.) competition. All of the P.S.A.'s contain messages about keeping Hamilton clean.

First Prize: Troy Hacock
Second Prize: Jaimie Thomas
Third Prize: Jaimie Harris

- (b) That funds be provided from Phase IV of the Downtown Action Plan for the first prize at \$700, second prize at \$500, and third prize at \$300 and a donation to Mohawk College Media Studies Department of \$1000 for development of the videos and use of equipment.
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- 17. (a) That the Building Commissioner be authorized to obtain three (3) quotes and subsequently proceed to have the property located at 948 Burlington Street East, cleared of old tires and debris to bring the subject property into compliance with City of Hamilton By-Law 84-35 and as authorized under The Municipal Act, Subsection 325, and specifically to do the work required to comply with the Order; and,
 - (b) That the costs incurred for the removal of the tires and debris, together with administrative costs be added to the tax roll; and,
 - (c) That the appropriate By-law to authorize the removal of the tires and debris be enacted by Council.
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- 18. That a Hamilton Emergency Loan (H.E.L.P.) in the amount of one thousand, nine hundred and seventy nine dollars (\$1,979) be approved for Raymond Young, 250 Fairfield Avenue North. The interest rate will be 2 per cent amortized over 5 years.
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- 19. That the Building Commissioner be authorized to issue a demolition permit for 555 Sanatorium Road, Building 32 in accordance with By-Law 74-290 pursuant to Section 33 of The Planning Act, as amended.
-
- 20. That the Building Commissioner be authorized to issue a demolition permit for 555 Sanatorium Road, Building 33 in accordance with By-Law 74-290 pursuant to Section 33 of The Planning Act, as amended.

21. That the Building Commissioner be authorized to issue a demolition permit for the building located at 111 Hughson Street South in accordance with the Demolition Control By-Law 75-290 pursuant to the demolition control provisions of the Planning Act (Section 33); subject to the following conditions:
 - (a) That the applicant has applied for and received a Site Plan Agreement with the Planning and Development Department; and,
 - (b) That the applicant be required to register on title to the subject property (prior to issuance of the said demolition permit), the Site Plan Agreement.
22.
 - (a)
 - (i) That a loan increase of twenty-five thousand dollars (\$25,000) to Benny and Debra Bombardieri for improvements to 448 Barton Street East be approved subject to the fulfilment of the borrowing requirements of the Commercial Property Improvement Loan Program. The total loan is now \$50,000. The interest rate is set at 3.25 per cent, amortized over ten years; and,
 - (ii) That an increase in grant from the Barton Street Revitalization Fund in the amount of twelve thousand, five hundred dollars (\$12,500) be approved to pay-down the increase of the Commercial Loan as per the terms of the Barton Street Revitalization Program; and,
 - (b)
 - (i) That an unsecured loan increase from the Barton Street Revitalization Fund in the amount of five thousand dollars (\$5,000) to Benny and Debra Bombardieri, for improvements to 448 Barton Street East be approved, subject to fulfilment of the borrowing requirements of the Commercial Property Improvement Loan Program. The total unsecured loan is now \$10,000. The interest rate is set at 3.25 per cent, amortized over 10 years; and,
 - (ii) That a increase in grant from the Barton Street Revitalization Fund in the amount of two thousand, five hundred dollars (\$2,500) be utilized to pay-down this loan as per the terms of the Barton Street Revitalization Program.

23. (a) That approval be granted to application CDM-CONV-98-003 submitted by 822938 Ontario Inc., In trust (Bruno Megna), owner, for a draft plan of condominium for property located at No. 75 Glenburn Court, as shown on the attached map marked as Appendix "R", to provide for a condominium comprised of 108 individual apartment condominium units, subject to the following conditions:
- (i) That this approval applies to the attached draft plan dated 1998 March 16, attached as Appendix "S", prepared by Consoli & Jacobs Surveying Ltd.; and,
 - (ii) That the owner enter into a Condominium Approval Agreement with the City incorporating these conditions of approval, including financial and other requirements of the City concerning roads, sidewalks, street lights and drainage, as the case may be, in a form satisfactory to the City Solicitor; and,
 - (iii) That prior to approval of the final plan:
 - (1) property taxes shall be in good standing, plan of condominium shall conform with General Zoning By-law No. 6593 and the Official Plan, and
 - (2) any variances or rezoning required in respect of the draft plan of condominium shall have been approved by the Committee of Adjustment or Council, as the case may be, in order that the draft plan of condominium is in compliance with General Zoning By-law 6593; and,
 - (iv) That the owner shall have received the Certificate of Approval from the City of Hamilton pursuant to the Rental Housing Protection Act for the conversion of the rental property to a condominium (Application CD-97-005); and,
 - (v) That the owner shall have satisfied the following conditions of Committee of Adjustment decision A-97:183:

- (1) The provision of a 1.32m (4.33') planting strip along the westerly lot line of the parking area; and,
 - (2) the provision and maintenance of a chain link fence at least 5' in height along the full length of the easterly property line (ravine edge).
 - (vi) That the owner, 822938 Ontario Inc., enter into an Encroachment Agreement with the City of Hamilton, to the satisfaction of the Roads Department;
 - (vii) That the owner shall have satisfied all requirements, financial and otherwise of the Regional Municipality of Hamilton-Wentworth and that the City be advised by the Regional Municipality of Hamilton-Wentworth that this condition has been carried out to its satisfaction. The clearance letter from the Regional Municipality shall include a brief statement for each condition detailing how it has been satisfied and carried out; and,
 - (viii) That the Director of Planning and Development shall have been satisfied that the conditions of approval are fulfilled or provided for as required.
 - (b) That the Mayor and the City Clerk be authorized to grant draft approval by signing the draft plan; and,
 - (c) That the Mayor and City Clerk be authorized to sign the final plan of condominium once the requirements herein are completed.
24. That staff of the Planning and Development Department and the Building Department be directed to establish a "working committee" with representation from the third party/billboard sign industry, to address matters related to third party/billboard signs.
25. (a) That By-law No. 97-084 - Tariff of Planning Fees be amended on the following basis:

- (i) That Section 1.(5)(i) of By-law No. 97-084 be amended by deleting the words "where the Regional Municipality of Hamilton-Wentworth approves the plan"; and,
 - (ii) That Section 1.(5)(ii) of By-law No. 97-084 be amended by deleting the words "for a building being converted to a condominium, to be approved by the City of Hamilton" and replaced with "for an existing residential rental building"; and,
 - (iii) That Section 2. of By-law No. 97-084 be repealed in its entirety and the following sections renumbered accordingly; and,
 - (b) That the City Solicitor be directed to amend By-law No. 97-084 in accordance with (a) above.
26. That the City of Hamilton accept the sum of (twenty-seven thousand, five hundred dollars) \$27,500 as a cash payment in lieu of the 5% land dedication in connection with "Timothy Survey - Phase 2", Hamilton being the cash payment required under Section 51.1 of the Planning Act.
27. (a) That approval be given to Part Lot Control Application 98-03, Chedoke Health Corporation, owner, to remove part-lot control for Lots 36 to 56, inclusive, located in "Tiffany, Phase 1", Registered Plan 62M-846, to permit the creation of maintenance easements, as shown on the attached map marked as APPENDIX "T"; and,
- (b) That the appropriate By-law to remove part lot control from Lots 36 to 56, inclusive Registered Plan 62M-846, "Tiffany, Phase 1" plan of subdivision, be enacted by Council; and,
- (c) That the exempting by-law be restricted to a 1 year effective time period to expire on July 1, 1999; and,

- (d) That following the enactment of this by-law, the Commissioner, Regional Environment Department (as delegate of the Minister of Municipal Affairs and Housing) be requested to grant approval to the by-law and endorse the same on the by-law.
28. That Section 1 of the Ninth Report of 1998 of the Planning and Development Committee, regarding ZAC-98-08, 41 and 51 Wilson Street and 99 John Street North as approved by Council on 12 May 1998, be amended as follows:
- (a) Section 1(a)(ii)(3) be deleted and replaced with the following:

"That notwithstanding Section 10F(6), a minimum lot area of 130.5 m² and a minimum lot width of 5.8 m shall be provided and maintained for each single family dwelling unit; and,"
 - (b) Section 1(a)(ii)(5) be deleted and replaced with the following:

"That notwithstanding Section 18(3)(vi)(e), the uncovered front porch may extend 1.4 m above the floor level of the first storey."
 - (c) add a new Section 1(a)(ii)(6) to read as follows:

"notwithstanding Section 10F(4)(a) and (b), a minimum 5.3 m front yard and rear yard shall be provided and maintained for every cantilevered portion of the building within a bay, alcove and fourth storey."
29. That City Council refer the heritage designation of 1280 Main Street West (Historic core of McMaster University) to the Conservation Review Board.
30. That the following Bills be adopted, signed, sealed and enrolled as By-laws:
- (a) C-79 A By-law to Amend Zoning By-law No. 6593 As Amended by Zoning By-law No. 67-97 Respecting land located at Municipal No. 329 Mohawk Road West.
 - (b) C-80 A By-law to Establish Site Plan Control Respecting Land Located at Municipal No. 329 Mohawk Road West.

- (c) C-81 A By-law to Amend By-law No. 79-275, As Amended by By-law No. 83-236 and to Repeal By-law No. 87-223 Respecting Site Plan Control Areas.
- (d) C-82 A By-law to Amend By-law No. 93-167 Respecting Building Permits and Fees.
- (e) C-83 A By-law to Authorize Clearing of the premises located at 938-948 Burlington Street East of domestic and industrial waste including used tires.
- (f) C-84 A By-law to Change the name of Dulgaren Street to Dalia Avenue.
- (g) C-85 A By-law to Amend Zoning By-law No. 6593 Respecting Lands located at the rear of No. 27 Albert Street.
- (h) C-86 A By-law to Amend Zoning By-law No. 6593 Respecting Lands located at Nos. 349 and 353 Acadia Drive.
- (i) C-87 A By-law to Remove land within the "Tiffany, Phase I" Subdivision, Plan 62M-846 from Part Lot Control.
- (j) C-88 A By-law to adopt Official Plan Amendment No. 151 Respecting Protection of the Rental Housing Stock within the City of Hamilton. **DELETED.**
- (k) C-89 A By-law to Amend By-law No. 97-084 Respecting Tariff of Planning Fees.

- 31. (a) That approval be given to the removal of the 'H' - Holding provision under Section 36 of the Planning Act, to permit the use of the lands for residential development and a parking lot, for properties located at Nos. 400 York Boulevard and 16 Magill Street (ZAC 98-05), as shown on the attached map marked as APPENDIX "U".

- (b) That the Director of Planning be directed to prepare a By-law to amend Zoning By-law No. 6593, as amended by By-law No. 98-148, and Zoning District Map W-11, in a form satisfactory to the City Solicitor, for presentation to City Council.
- (c) That the Commissioner of Building be authorized to issue the appropriate building permits upon the registration of Inhibiting Orders on title to the 16 Magill Street and 400 York Boulevard lands. **ADDED.**

CARRIED.

32. That the following Bills be adopted, signed, sealed and enrolled as By-laws:

- (a) C-90 A By-law to Amend Zoning By-law No. 6593 As Amended by Zoning By-law No. 98-148 Respecting Lands located at Nos. 400 York Boulevard and 16 Magill Street
- (b) C-91 A By-law to Amend Zoning By-law No. 6593 Respecting Land located at 237-247 Centennial Parkway North **ADDED.**

33. That approval be given to the proposed Official Plan Amendment to establish policies and to introduce a new Schedule for the protection of the rental housing stock, on the following basis:

- (a) That a new Schedule "K" - Local Market Housing Zones be added to the Official Plan;
- (b) That the following new policies be added to Subsection C.7 - Residential Environment and Housing Policy as follows:
 - "C.7.11 To protect the adequate provision of a full range of housing, conversion to condominium of rental apartment and/or townhouse units comprised of six or more units will be permitted provided all of the following criteria are met:

- i) the rental vacancy rate by dwelling/structure type for the City and the respective local housing market zone has been at or above 2.0% for the preceding twenty-four (24) months;
- ii) the proposed conversion will not reduce the rental vacancy rate by dwelling/structure type to below 2.0% for the City and the respective local housing market zone;
- iii) the existing market rent levels for the units proposed to be converted are not significantly below the average market rent levels for the City and the respective local housing market zone for rental units of a similar dwelling/structure type.

C.7.12 Demolition of rental apartment and/or townhouse units comprised of six or more units will be permitted provided one of the following criteria is met:

- i) the building is determined to be structurally unsound through the submission of a structural audit, prepared by a qualified professional, and such audit is deemed acceptable by the City; or,
- ii) the criteria as set out in Policy C.7.11.

C.7.13 i) For the purposes of policies C.7.11 and C.7.12, the statistical data used for vacancy rates, rent charges, dwelling/structure types will be determined by the Canada Mortgage and Housing Corporation (CMHC).

ii) Schedule "K" identifies the following local housing market zones for purposes of analyzing the Hamilton housing market:

- a) Downtown/Central Hamilton
- b) Central East Hamilton
- c) East Hamilton
- d) West Hamilton
- e) Hamilton Mountain"

- (c) That the Director of Planning and Development be directed to prepare a by-law, in a form satisfactory to the City Solicitor, for submission to the Regional Municipality of Hamilton-Wentworth for approval.
- (d) That the Council adopted policy in regard to condominium conversions and demolitions endorsed by Council on May 26, 1998 be rescinded; and,
- (e) That Planning and Development Department staff undertake a review of the Official Plan policies in regard to condominium conversions and demolitions within a one-year period.

ADDED and AMENDED

Recorded Vote:

YEAS: Aldermen Caplan, Corsini, Eisenberger, Collins, Charters, Jackson, Anderson, D'Amico, O'Sullivan. -9.

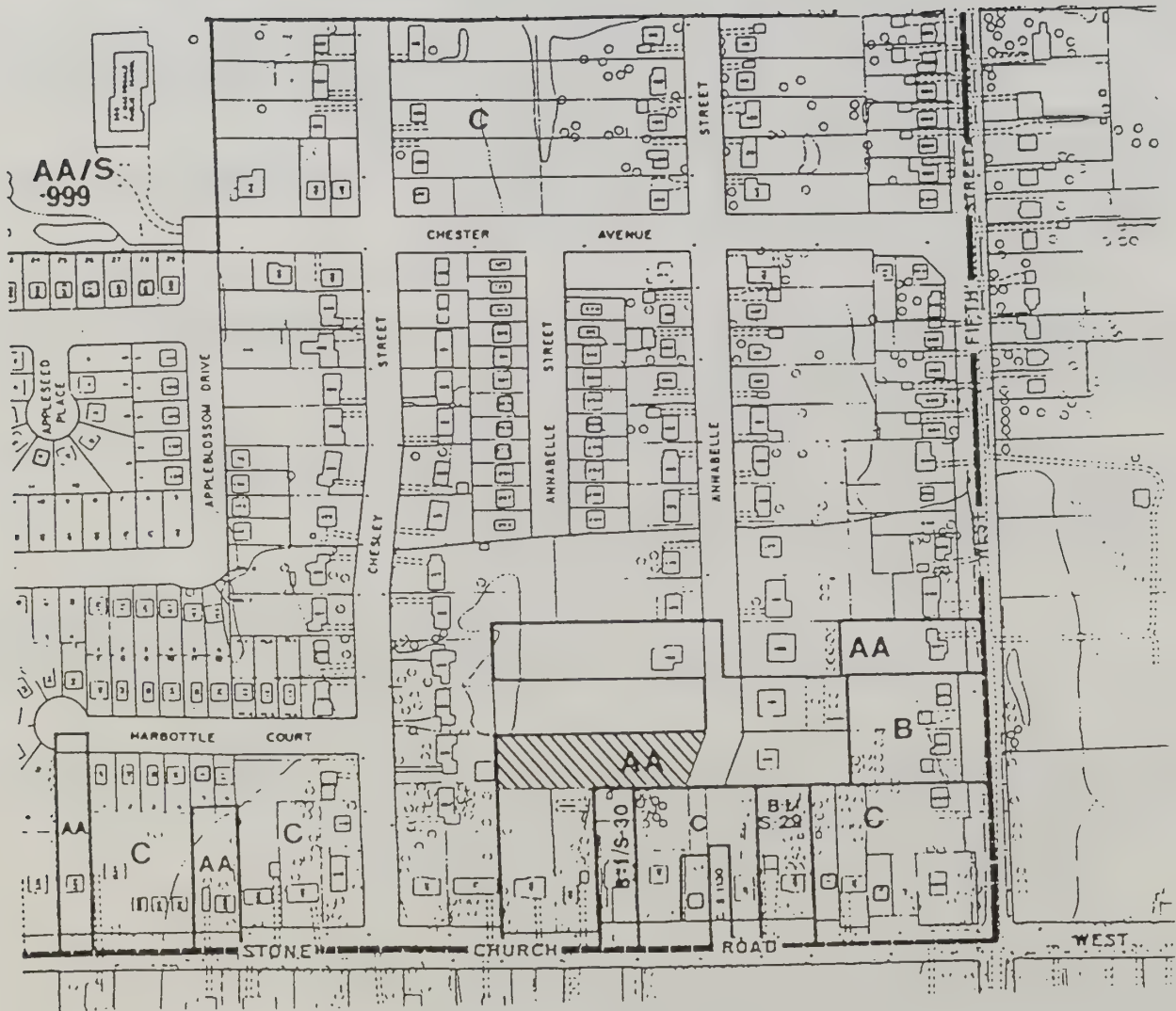
NAYS: Aldermen Kiss, Horwath, Morelli, Haining, Copps, Wilson, and Kelly. -7.

Respectfully submitted,

**ALDERMAN F. D'AMICO, CHAIRMAN
PLANNING AND DEVELOPMENT
COMMITTEE**

**Tina Agnello, Secretary
1998 June 24**

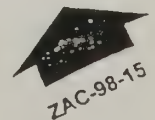
Appendix "A" as referred to in
Section 1 A of the Thirteenth Report
of the Planning and Development
Committee dated 1998 June 30



Legend



Site of the Application



KEY PLAN
SCALE 1" = 100'

DRAFT PLAN OF

Annabelle Place

IN THE UNINCORPORATED TOWNSHIP OF
 PART OF LOT 16 - CONCESSION 7
 GEOGRAPHIC TOWNSHIP OF ELGIN
 CITY OF HAMILTON
 REGIONAL MUNICIPALITY OF HAMILTON - BATHURST

SCALE 1" = 750'

N. 40.000000 E. 100.000000

NOTES: THIS IS A DRAFT PLAN ONLY AND IS SUBJECT TO REVISION TO REFLECT THE REVISIONS AND METRIC PLAN IS CONVERSION TO S.I. BY ORIGINAL L.P. 10184

PL. CHAPTER 212 S. R. 1990 - SECTION 11(1)(2) PLANNING ACT

- a. TOBACCO OR PLANT
- b. DIRT ROAD
- c. TOBACCO OR PLANT
- d. TOBACCO OR PLANT
- e. TOBACCO OR PLANT
- f. TOBACCO OR PLANT
- g. TOBACCO OR PLANT
- h. TOBACCO OR PLANT
- i. TOBACCO OR PLANT
- j. TOBACCO OR PLANT
- k. TOBACCO OR PLANT
- l. TOBACCO OR PLANT
- m. TOBACCO OR PLANT
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- o. TOBACCO OR PLANT
- p. TOBACCO OR PLANT
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- t. TOBACCO OR PLANT
- u. TOBACCO OR PLANT
- v. TOBACCO OR PLANT
- w. TOBACCO OR PLANT
- x. TOBACCO OR PLANT
- y. TOBACCO OR PLANT
- z. TOBACCO OR PLANT

SURVEYOR'S CERTIFICATE:

I, the undersigned, being duly qualified by the laws of the Province of Ontario, do hereby certify that the foregoing plan was prepared by me or under my supervision and that the same is a true and correct copy of the original plan as filed in my office.

 DATE: _____

OWNER'S AUTHORIZATION:

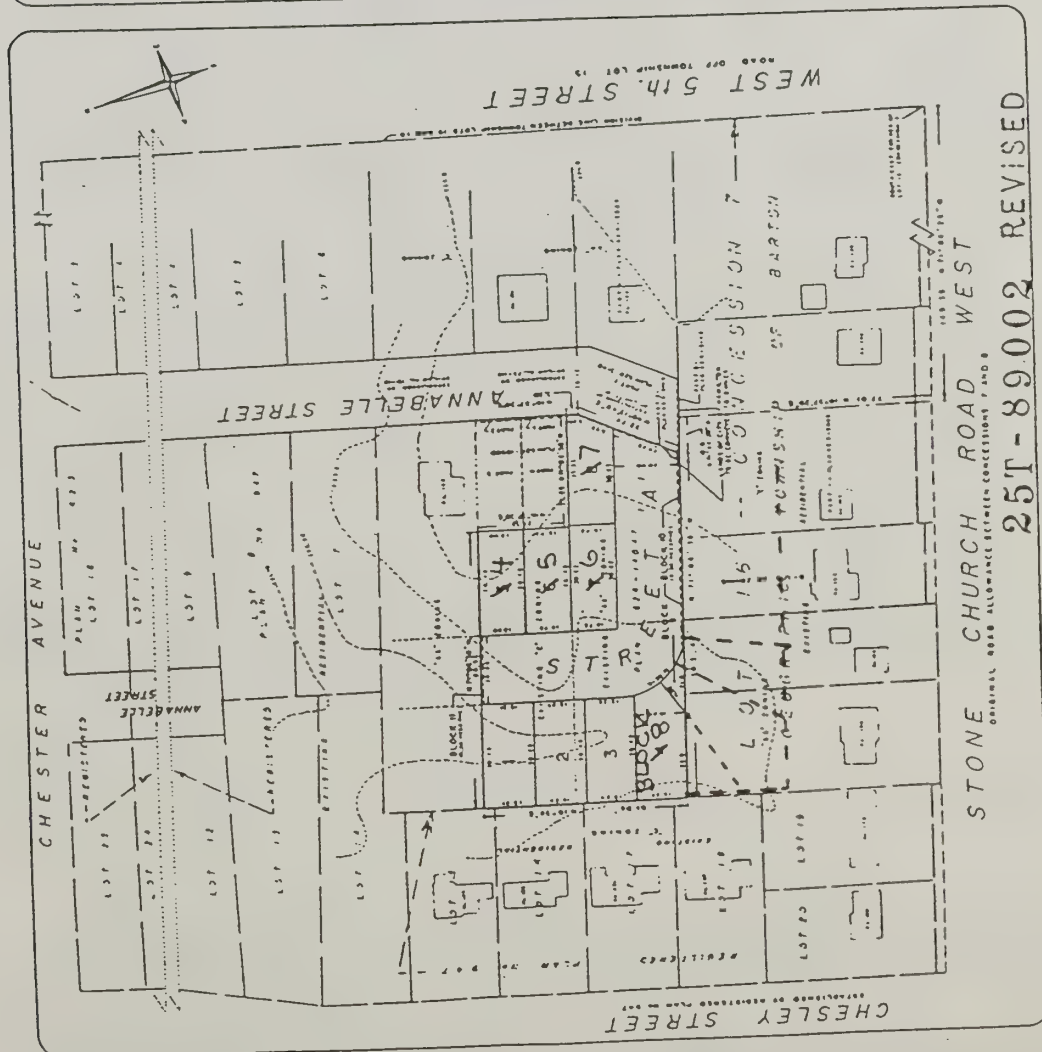
I, the undersigned, being duly qualified by the laws of the Province of Ontario, do hereby authorize the preparation of the foregoing plan and the filing of the same in my office.

 DATE: _____

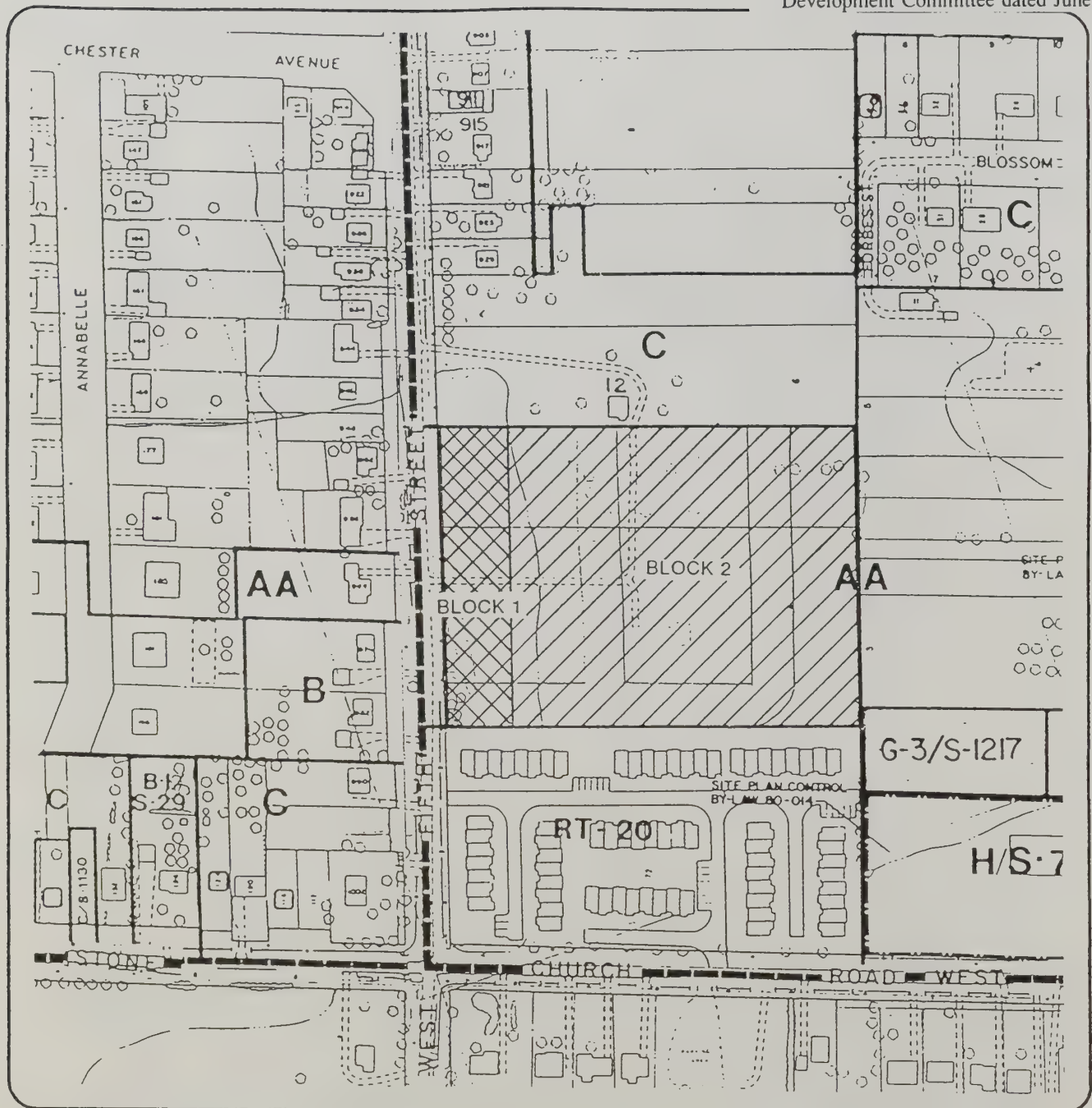
LAND-USE SCHEDULE:

THIS IS A DRAFT PLAN ONLY AND IS SUBJECT TO REVISION TO REFLECT THE REVISIONS AND METRIC PLAN IS CONVERSION TO S.I. BY ORIGINAL L.P. 10184

Real Line Revised
June 17, 1998



Appendix "C" as referred to
in Section 2 A (a) & 2 B of the
Thirteenth Report of the Planning and
Development Committee dated June 30



Legend

BLOCK 1 Change in zoning from "AA" (Agricultural)
District to "C" (Urban Protected Residential, etc.)
District.

BLOCK 2 Change in zoning from "AA" (Agricultural)
District to "D" (Urban Protected Residential -
One and Two Family, etc.) District, modified.

City of Hamilton

Location Map

Planning and Development Department

North



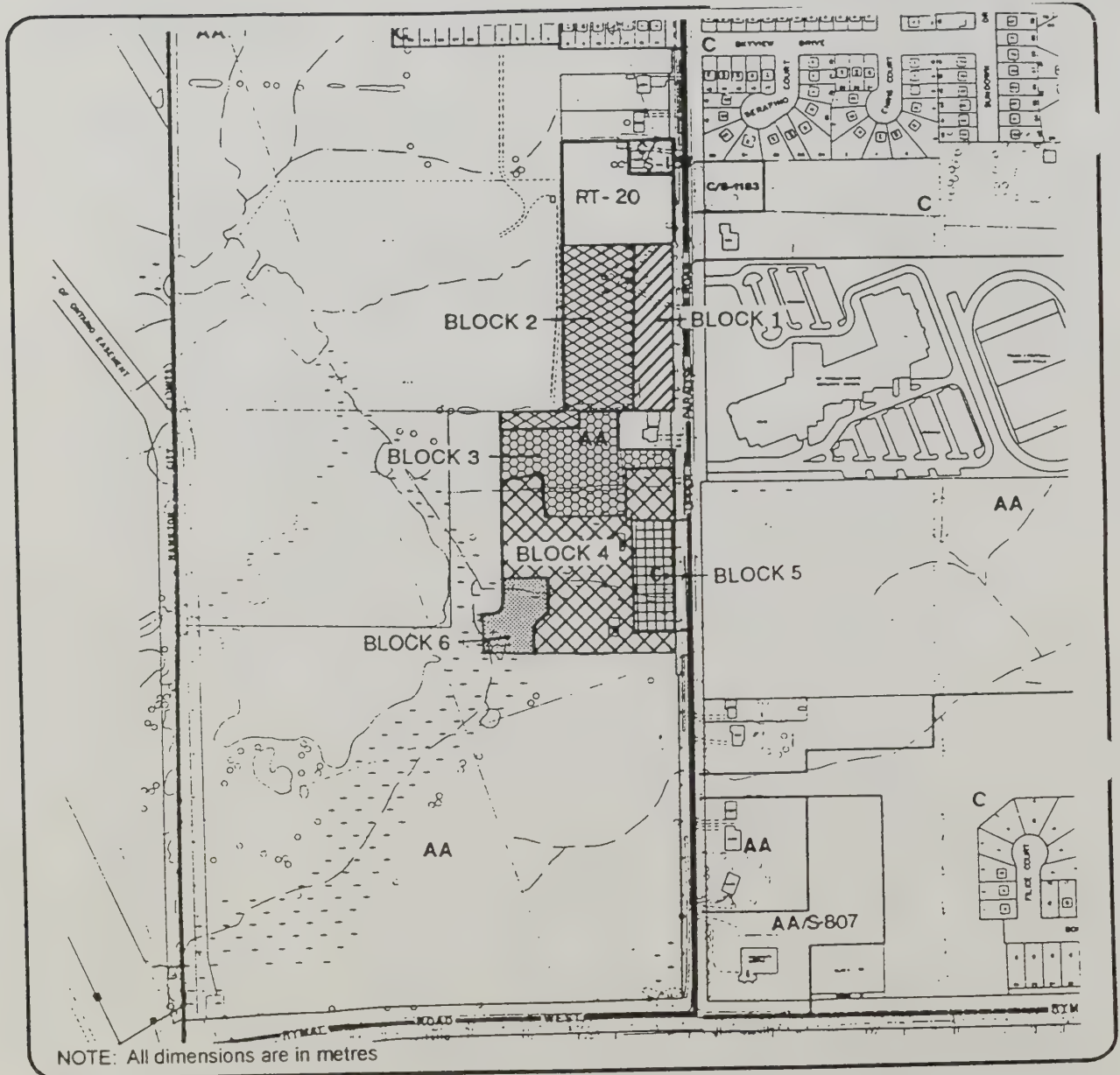
Scale
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Date
June 1998

Reference File number
ZAC 98-13

Drawn By
R.L.





City of Hamilton

Location Map

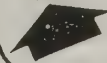
Planning and Development Department

Legend

Change in zoning from:

- BLK. 1 "AA" (Agricultural) District to "D" (Urban Protected Residential - One and Two Family, etc.) District
- BLK. 2 "AA" (Agricultural) District to "D" (Urban Protected Residential - One and Two Family, etc.) District
- BLK. 3 "AA" (Agricultural) District to "D" (Urban Protected Residential - One and Two Family, etc.) District
- BLK. 4 "AA" (Agricultural) District to "D" (Urban Protected Residential - One and Two Family, etc.) District
- BLK. 5 "C" (Urban Protected Residential, etc.) District to "D"-H' (Urban Protected Residential - One and Two Family, etc. Holding) District.
- BLK. 6 "AA" (Agricultural) District to "RT-20" (Townhouse-Maisonette) District.

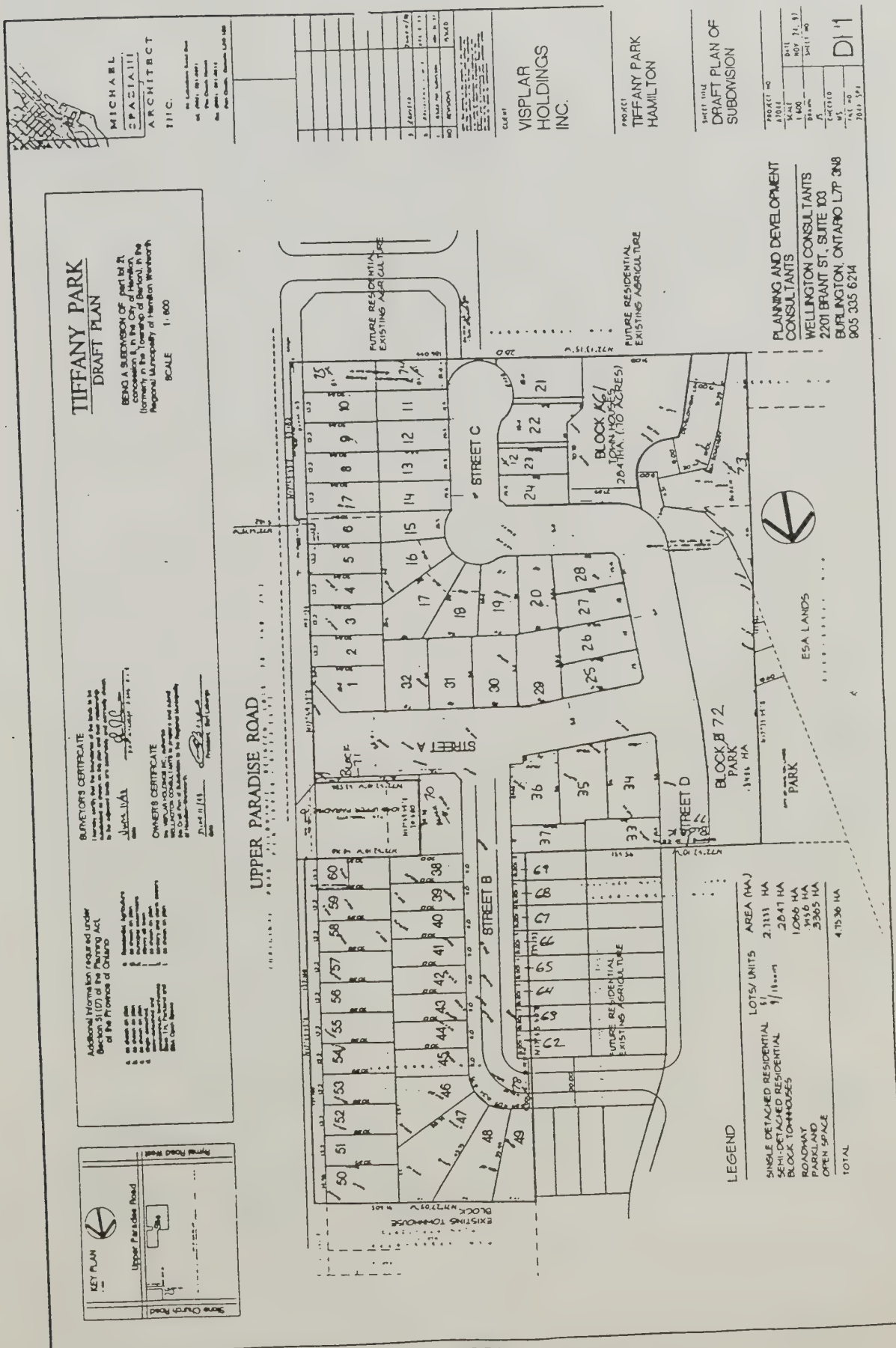
North



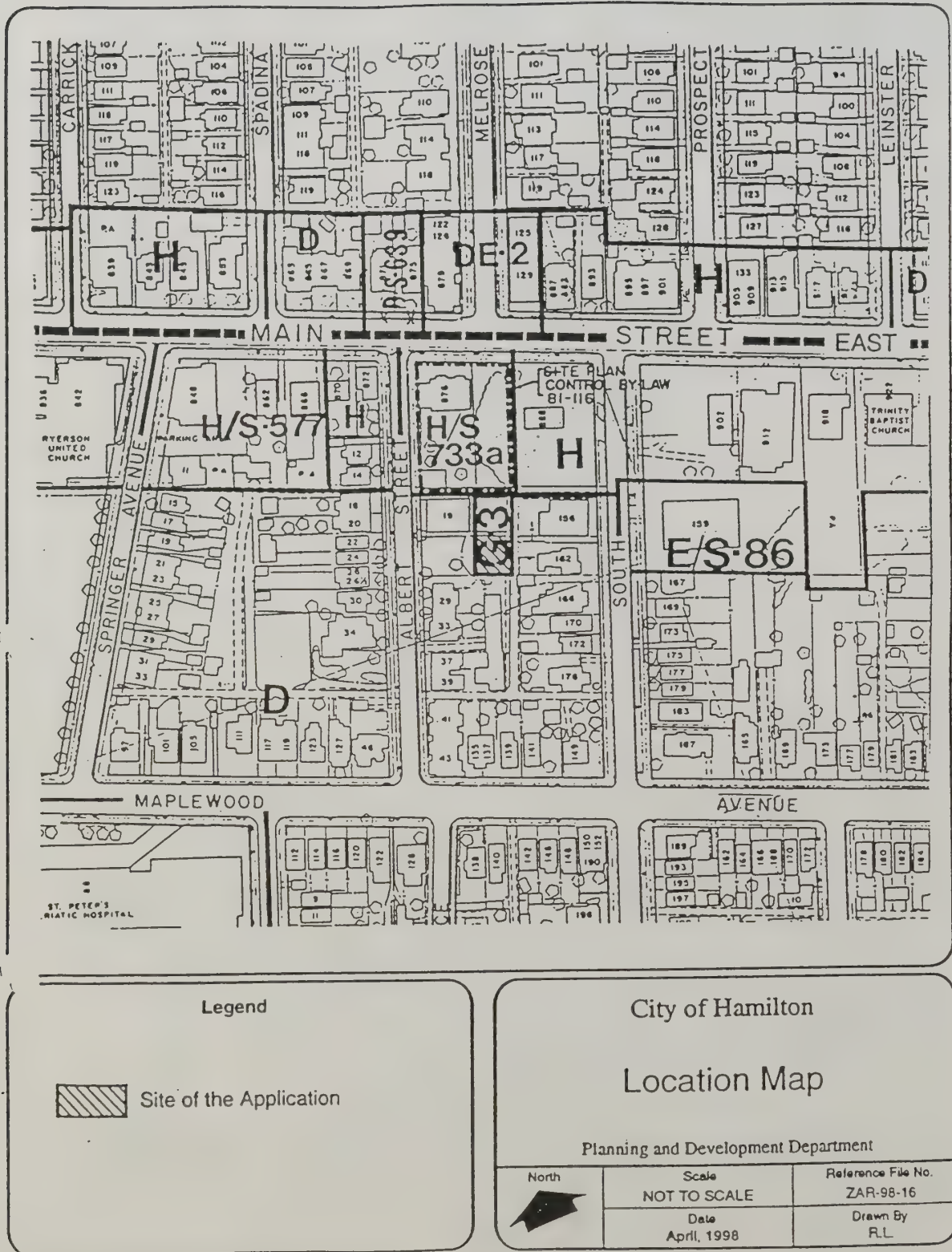
Scale
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Date
MAY 1998

Reference File No
ZAC-97-428 & SAC-97-08
Drawn By
R.L.

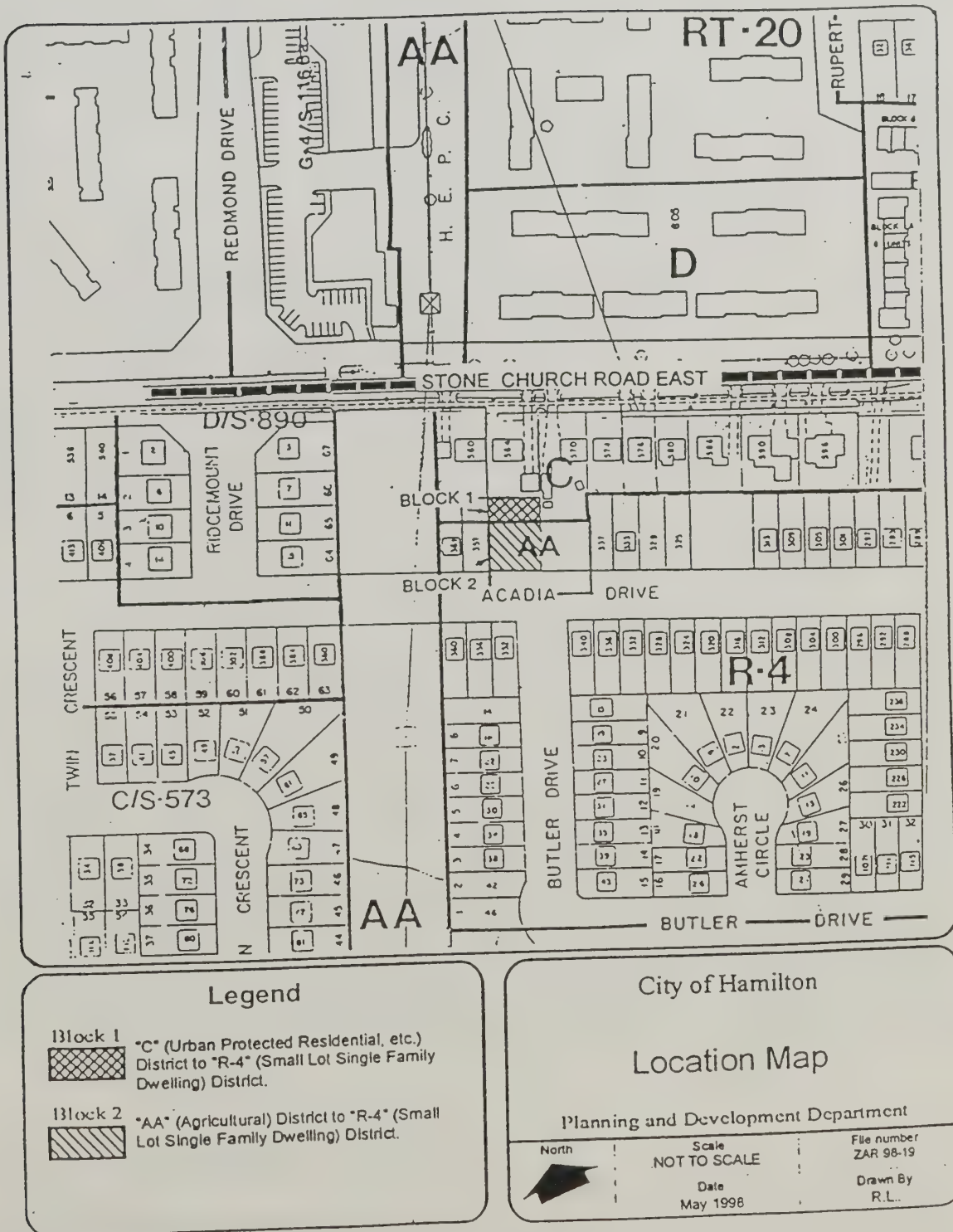
Appendix "F" as referred to
in Section 3 A (a) (i) of the Thirteenth of the
Report of the Planning and
Development Committee dated 1998 June 30

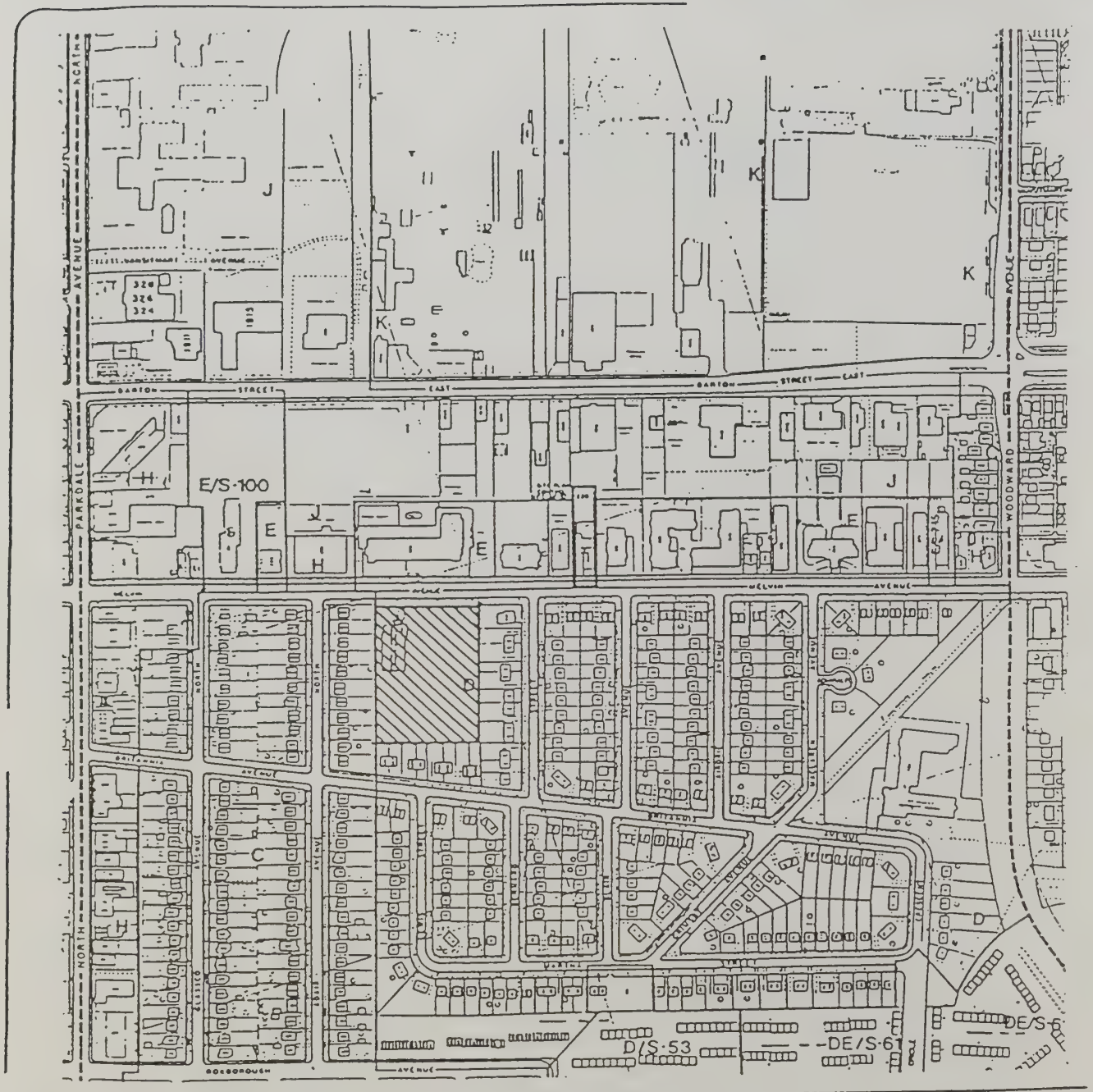


Appendix "G" as referred to in
Section 4 of the Thirteenth Report
of the Planning and Development
Committee dated 1998 June 30



Appendix "H" as referred to in
Section 5 of the Thirteenth Report
of the Planning and Development
Committee dated 1998 June 30





Legend



Site of the Application

City of Hamilton

Location Map

Planning and Development Department

North



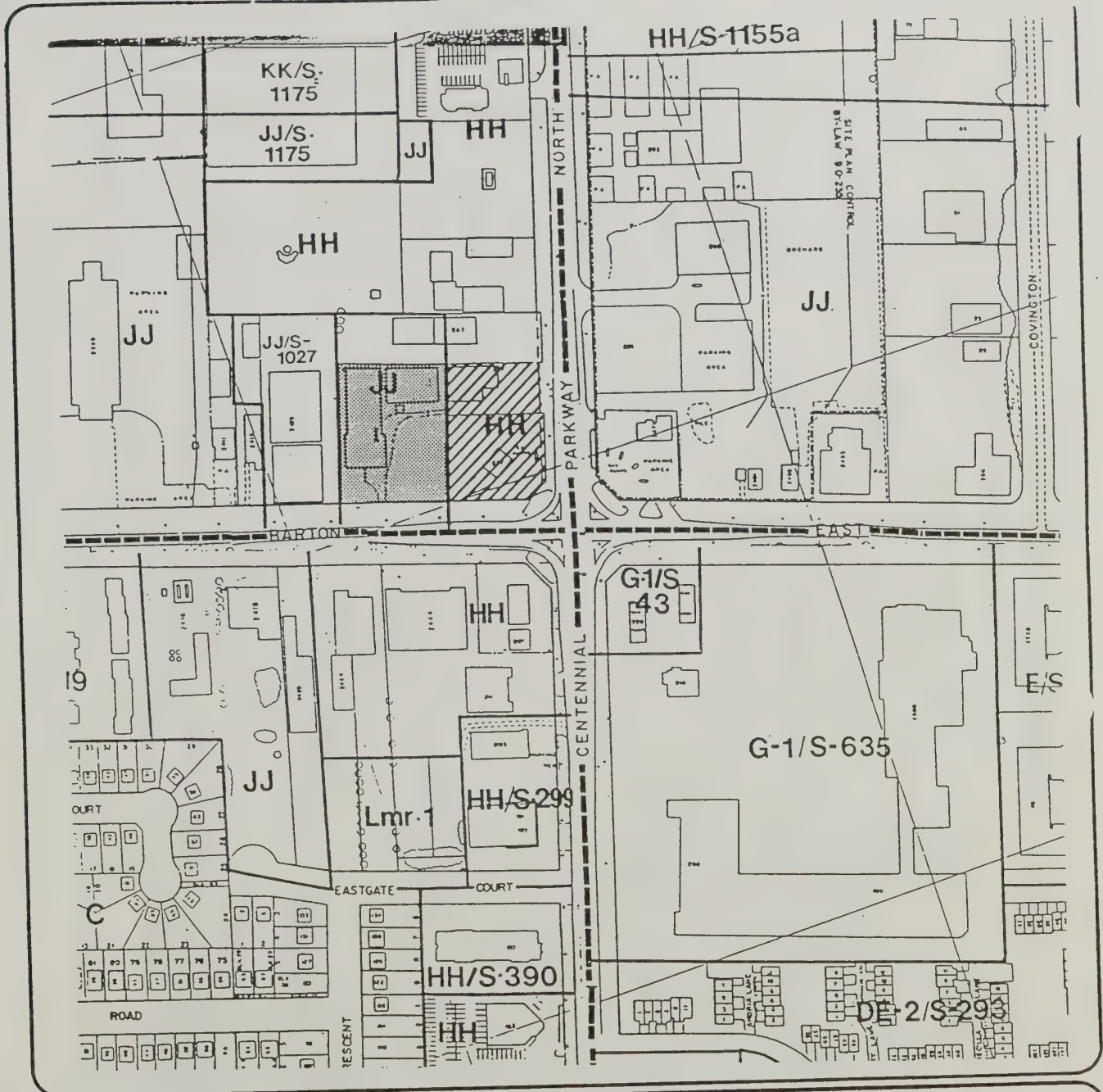
Scale
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Date
FEBRUARY, 1990

Reference File No.
ZAC-98-11

Drawn By
D.L.

Appendix "J" as referred to in
Section 7 of the Thirteenth Report
of the Planning and Development
Committee dated 1998 June 30



Legend

BLOCK 1 Change in zoning from "JJ" (Restricted Light Industrial) District to "HH" (Restricted Community Shopping and Commercial, etc.) District.

BLOCK 2 Modification to the the "HH" (Restricted Community Shopping and Commercial, etc.) District.

City of Hamilton

Location Map

Planning and Development Department

North



Scale
NOT TO SCALE

Date
May 1998

Reference File num.
ZAC 98-14

Drawn By
R.L.

Appendix "K" as referred to in
Section 9 (b) of the Thirteenth Report
of the Planning and Development
Committee dated 1998 June 30

STINSON IMPLEMENTATION SCHEDULE

ACTION		BY	TIME FRAME	PRIORITY
1.	Residential Care Facilities a) Rezoning studies to review the definitions of care related to residential care facilities	Planning Department and other departments	Short-term, underway	High
2.	Building Heights a) Guidelines to be prepared and included in plan to identify desired maximum heights b) Rezoning to be undertaken to revise maximum permitted heights	Planning Dept. Planning Dept.	Short-term Medium-term	Medium Medium
3.	Parks and Playgrounds a) New park to be provided in Corktown Neighbourhood, with links to Carter Park and Central Memorial b) New parks to be considered within Stinson; small sites, several locations, also further recreational facilities in long term	Public Works and Traffic Dept. Public Works and Traffic Dept.	Short-term, underway Long-term	High Medium
4.	Open Space a) Escarpment area - Landscaping and trail system proposal to be reviewed and carried out	Public Works and Traffic Dept.; Stinson Association	Medium-term	Medium
5.	Community Facilities a) Facilitate additional community use of schools, churches and other facilities	Stinson Community Association with various departments	Medium-term	Low
6.	Heritage a) Heritage Districts - Review and preparation of conservation plans for one or more areas b) Heritage Poster(s) - Preparation of one or more posters to promote Stinson character and features	LACAC staff, with citizen committee LACAC staff, Stinson Community Assoc'n	Medium-term Medium-term	High Medium

STINSON IMPLEMENTATION SCHEDULE (CONTINUED)

ACTION		BY	TIME FRAME	PRIORITY
7.	Design	Property owners; Public Works and Traffic Dept. Public Works and Traffic Dept.	Long-term	Medium
a)	Spot improvements - concepts for several locations to be carried out, including buildings, walls, streetscape		Medium-term	Medium
8.	Movement	Public Works and Traffic Dept./Others Special Projects Office Special Projects Office	Medium-term	Medium
a)	Traffic calming study to identify possible improvements, to Stinson Street		Medium-term	Medium
b)	Rail trail to be extended through Stinson, with links to neighbourhood		Medium-term	Medium
c)	Bicycle route on Stinson Street to be retained			
9.	Public Participation	Stinson Community Association Planning Dept. and other Depts	Short-term	High
a)	Notification of Stinson residents regarding applications and proposals to be improved		Medium-term	Medium
b)	Co-ordination of community-based planning studies to be undertaken by staff			
10.	Taxation	Planning Dept. Stinson Community Association	Medium	Medium
a)	Review of innovative taxation approaches to provide funding for Stinson improvements in this plan			
11.	Implementation	Planning Dept., Stinson Plan Advisory Committee	Short-term	High
a)	Establishment of mechanism for implementing plan			

Appendix "L" as referred to
in Section 11 (a) of the Thirteenth
Report of the Planning and
Development Committee dated 1998 June 30

CORE HERITAGE 2000 PROGRAM

PART A: RESTORE THE BUILDING FACADES

Purpose: To transform the public image of the older downtown streetscapes from an ailing inner core into a vibrant, renewed heart of the city through the restoration of its rich and genuinely historic architectural streetscape.

Eligible Work: Restoration of the historic facades includes repointing of masonry, repair or replication of the original cornice, windows, and decorative features such as window lintels, finials, cresting, etc., as well as the removal of unauthentic building facing, in accordance with the basic principles of heritage conservation and building improvement established in the Heritage Design Studies, approved by Council and "Guidelines for Heritage Conservation in the Gore".

PART B: IMPROVEMENT TO STOREFRONT DESIGN

Purpose: To re-introduce the open, attractive traditional storefront design which gives maximum visibility both into and out of the stores, thereby attracting people to window shop or enter the store; also to encourage the use of canopies to provide protection for pedestrians against rain, snow and excessive sun as well as provide an attractive addition to the storefront.

Eligible Work: Improvement to Storefront Design includes restoring large display windows, repairs to baseboards, transom windows, original columns and entrances, secondary doors, in accordance with the basic principles identified in the Heritage Design Studies, as well as improvement to the commercial signage and installation of canopies, which follows.

Included also as eligible costs are the design, production and installation of canopies, in accordance with the established guidelines and any by-law requirements which determine a minimum height, a standard width of projection and traditional location on the front facade.

PART C: IMPROVE THE QUALITY OF THE COMMERCIAL SIGNAGE

Purpose: To rediscover the inherent quality of the Gore by replacing the over-sized and excessive signage with ones which are clear, attractive, consistent and which together create an exciting downtown core.

Eligible Work: Included in this category are the design, production and installation of commercial signage which is in accordance with the principles of good signage found in the Heritage Design Studies and the Signage Guidelines for the Gore. Design of the signage should fit with the character of the host building.

TENANT LOAN GUIDELINES

- 3.0 The following guidelines apply to loans from The Corporation of the City of Hamilton to commercial tenants located within a Community Improvement Area. To be eligible for a loan the tenant must be located in a building that is in a Business Improvement Area and the property occupied by the tenant must be specially assessed or specially assessable for the levy payable to the Board of Management of the respective Business Improvement Area.
- 3.1 Upon receipt of a satisfactory application to the City which meets the criteria of the loan program, including the criteria set out herein, loans may be made by the City for a term not exceeding ten (10) years, at the interest rate charged to owners under the Commercial Property Improvement Loan Program.
- 3.2 The interest rate shall be established at time of loan approval. Interest shall commence to run after the Interest Adjustment Date (I.A.D.) namely, the first of the month following full advancement of the loan. Repayment of loans shall be monthly but open to full repayment at any time without notice of penalty.
- 3.3 These loans are solely intended for the tenants who operate a business within the designated Community Improvement Project Areas where the owner's lands are used for non-residential and commercial purposes which, in the opinion of the City,
- (a) are intended for the eligible improvements and expenses contemplated in the Community Improvement Plan as amended herein;
 - (b) fulfil the objectives of the City expressed in the Community Improvement Plan, as amended herein;
 - (c) meet the security/equity and other requirements of the City's loan program including the requirements specified herein.
- 3.4 Loan amounts shall not exceed the sum of \$10,000, in respect of the cost of eligible improvements to each separate location of the tenant under lease from the owner. If a tenant has more than one leasehold interest eligible for this program, the tenant may only receive a maximum of \$30,000.00 in loans under this Program.
- 3.5 In the event the owner of a business within a Business Improvement Area does not own the building, a loan of less than \$5,000 will be secured by a Promissory Note, and for loans greater than \$5,000, a collateral mortgage will be obtained on other real property owned by the tenant. For loans not secured by a collateral mortgage, the City shall have the sole discretion to decide upon a loan amount, which shall be based on the creditworthiness of the applicant and the revenue and expenses of the business.
- 3.6 Loans may be for the following types of improvements and their related expenses:
- interior fixtures, including partitions;
 - interior decorating, including lighting, painting, wallpaper, etc.;
 - built-in showcases, freezers, special plumbing, etc.;
 - signage;
 - related professional fees (architects, engineers, appraisers, lawyers, etc.) and the application fee of the greater of 1.5% of the loan or \$200;
 - such other loan program administrative fees fixed by Council from time to time.
- 3.7 Loans shall be advanced only in respect of completed work which has been inspected by the City.

- 3.8 Loans may not be made for expenses such as chattels, (such as tables, chairs, cash registers) nor shall loans be made for rental/owner occupied residential accommodation.
- 3.9 The building envelope, including exterior shell (foundation, exterior walls, roof, fire escapes, chimneys) and major systems, shall be inspected by the Building Department prior to the loan application being considered by the City. Any deficiencies shall qualify for a loan in advance of facade improvements (store fronts, aesthetics, signage, etc.).
- 3.10 The tenant will obtain two estimates for all eligible improvements after the City's inspection of the building. Where an owner personally carries out the work, only the cost of materials is eligible for a loan, upon receipt of invoices.
- 3.11 A report by the Building Department (Housing and Loans Division) on each loan will be made to the Planning and Development Committee and Council for approval. The Committee and the Council have the discretion to allow or not to allow the loan. The recommendation of the Board of Management of the local B.I.A. will be received in respect of the exterior improvement portion of loan applications.
- 3.12 Each borrower shall give the City a promissory note in respect of each loan; and as security for repayment of the loan made by the City, the borrower shall:
 - (i) - where the borrower is a limited company, provide the City with the personal guarantee of at least the majority of the owner(s) of the shares, together with documents satisfactory to the City confirming the authorization of the Corporation to apply for the loan and give the loan security to the City;
 - (ii) the tenant must have at least 25% equity, after covering outstanding property encumbrances, including the amount of the City's loan, on the property the tenant grants the City a collateral mortgage;
 - (iii) the tenant may grant the City a collateral mortgage in other property that meets the City's equity requirements, provided the owner's lawyer prepares and certifies to the City, at the owner's expense, the collateral mortgage in a form satisfactory to the City Solicitor;
- 3.13 The borrower shall keep in good standing any taxes or rates levied against the tenant's interest in the property.
- 3.14 The Departmental charge shall be 1 1/2% of the loan or \$200, whichever is more, as an administration fee. This will become an eligible expense on the application.
- 3.15 Upon sale of a property which is secured by a collateral mortgage, the loan is due and payable in full to the City.
- 3.16 All loans become due and payable upon the sale, closing or moving of the borrower's business.

Appendix "N" as referred to in
Section 13 (b) of the Thirteenth Report
of the Planning and Development
Committee dated 1998 June 30

BARTON GENERAL COMMUNITY IMPROVEMENT PLAN

TENANT LOAN GUIDELINES

- 5.0 The following guidelines apply to loans from The Corporation of the City of Hamilton to commercial tenants located within the Barton General Community Improvement Plan Area. To be eligible for a loan, the tenant must be located in a building that is in a Business Improvement Area and the property occupied by the tenant must be specially assessed or specially assessable for the levy payable to the Board of Management of the respective Business Improvement Area.
- 5.1 Upon receipt of a satisfactory application to the City which meets the criteria of the loan program, including the criteria set out herein, loans may be made by the City for a term not exceeding ten (10) years, at the interest rate charged to owners under the Commercial Property Improvement Loan Program.
- 5.2 The interest rate shall be established at time of loan approval. Interest shall commence to run after the Interest Adjustment Date (I.A.D.) namely, the first of the month following full advancement of the loan. Repayment of loans shall be monthly but open to full repayment at any time without notice of penalty.
- 5.3 These loans are solely intended for the tenants who operate a business within the designated Community Improvement Project Areas where the owner's lands are used for non-residential and commercial purposes which, in the opinion of the City,
 - (a) are intended for the eligible improvements and expenses contemplated in the Community Improvement Plan as amended herein;
 - (b) fulfil the objectives of the City expressed in the Community Improvement Plan, as amended herein;
 - (c) meet the security/equity and other requirements of the City's loan program including the requirements specified herein.
- 5.4 Loan amounts shall not exceed the sum of \$10,000, in respect of the cost of eligible improvements to each separate location of the tenant under lease from the owner. If the tenant has more than one leasehold interest eligible for this program, the tenant may receive only a maximum of \$30,000.00 in loans under the program.
- 5.5 In the event the owner of a business within a Business Improvement Area does not own the building, a loan of less than \$5,000 will be secured by a Promissory Note, and for loans greater than \$5,000, a collateral mortgage will be obtained on other real property owned by the tenant. For loans not secured by a collateral mortgage, the City shall have the sole discretion to decide upon a loan amount, which shall be based on the creditworthiness of the applicant and the revenue and expenses of the business.
- 5.6 Loans may be for the following types of improvements and their related expenses:
 - interior fixtures, including partitions;
 - interior decorating, including lighting, painting, wallpaper, etc.;
 - built-in showcases, freezers, special plumbing, etc.;
 - signage;
 - related professional fees (architects, engineers, appraisers, lawyers, etc.) and the application fee of the greater of 1.5% of the loan or \$200;
 - such other loan program administrative fees fixed by Council from time to time.
- 5.7 Loans shall be advanced only in respect of completed work which has been inspected by the City.

- 5.8 Loans may not be made for expenses such as chattels, (such as tables, chairs, cash registers) nor shall loans be made for rental/owner occupied residential accommodation.
- 5.9 The building envelope, including exterior shell (foundation, exterior walls, roof, fire escapes, chimneys) and major systems, shall be inspected by the Building Department prior to the loan application being considered by the City. Any deficiencies shall qualify for a loan in advance of facade improvements (store fronts, aesthetics, signage, etc.).
- 5.10 The tenant will obtain two estimates for all eligible improvements after the City's inspection of the building. Where an owner personally carries out the work, only the cost of materials is eligible for a loan, upon receipt of invoices.
- 5.11 A report by the Building Department (Housing and Loans Division) on each loan will be made to the Planning and Development Committee and Council for approval. The Committee and the Council have the discretion to allow or not to allow the loan. The recommendation of the Board of Management of the local B.I.A. will be received in respect of the exterior improvement portion of loan applications.
- 5.12 Each borrower shall give the City a promissory note in respect of each loan; and as security for repayment of the loan made by the City, the borrower shall:
- (i) where the borrower is a limited company, provide the City with the personal guarantee of at least the majority of the owner(s) of the shares, together with documents satisfactory to the City confirming the authorization of the Corporation to apply for the loan and give the loan security to the City;
 - (ii) the tenant must have at least 25% equity, after covering outstanding property encumbrances, including the amount of the City's loan, on the property the tenant grants the City a collateral mortgage;
 - (iii) the tenant may grant the City a collateral mortgage in other property that meets the City's equity requirements, provided the owner's lawyer prepares and certifies to the City, at the owner's expense, the collateral mortgage in a form satisfactory to the City Solicitor;
- 5.13 The borrower shall keep in good standing any taxes or rates levied against the tenant's interest in the property.
- 5.14 The Departmental charge shall be 1 1/2% of the loan or \$200, whichever is more, as an administration fee. This will become an eligible expense on the application.
- 5.15 Upon sale of a property which is secured by a collateral mortgage, the loan is due and payable in full to the City.
- 5.16 All loans become due and payable upon the sale, closing or moving of the borrower's business.

6.0 Grants to Tenants

The provisions of paragraph 3.0 of Schedule "A" of By-law No. 95-180 to the owners of lands shall apply to grants to the tenants of property located in the Barton General Community Improvement Plan Area with the necessary changes, except as amended by this section.

- 6.1 The maximum grant to a tenant shall be \$5,000. If the tenant has more than one leasehold interest eligible for this program, the tenant may receive only a maximum of \$15,000 in loans under the program.

BARTON VILLAGE COMMUNITY IMPROVEMENT PLAN

TENANT LOAN GUIDELINES

17. The following guidelines apply to loans from The Corporation of the City of Hamilton to commercial tenants located within the Barton Village Community Improvement Plan Area. To be eligible for a loan, the tenant must be located in a building that is in a Business Improvement Area and the property occupied by the tenant must be specially assessed or specially assessable for the levy payable to the Board of Management of the respective Business Improvement Area.
18. Upon receipt of a satisfactory application to the City which meets the criteria of the loan program, including the criteria set out herein, loans may be made by the City for a term not exceeding ten (10) years, at the interest rate charged to owners under the Commercial Property Improvement Loan Program.
19. The interest rate shall be established at time of loan approval. Interest shall commence to run after the Interest Adjustment Date (I.A.D.) namely, the first of the month following full advancement of the loan. Repayment of loans shall be monthly but open to full repayment at any time without notice of penalty.
20. These loans are solely intended for the tenants who operate a business within the designated Community Improvement Project Areas where the owner's lands are used for non-residential and commercial purposes which, in the opinion of the City,
 - (a) are intended for the eligible improvements and expenses contemplated in the Community Improvement Plan as amended herein;
 - (b) fulfil the objectives of the City expressed in the Community Improvement Plan, as amended herein;
 - (c) meet the security/equity and other requirements of the City's loan program including the requirements specified herein.
21. Loan amounts shall not exceed the sum of \$10,000, in respect of the cost of eligible improvements to each separate location of the tenant under lease from the owner. If the tenant has more than one leasehold interest eligible for this program, the tenant may receive only a maximum of \$30,000.00 in loans under the program.
22. In the event the owner of a business within a Business Improvement Area does not own the building, a loan of less than \$5,000 will be secured by a Promissory Note, and for loans greater than \$5,000, a collateral mortgage will be obtained on other real property owned by the tenant. For loans not secured by a collateral mortgage, the City shall have the sole discretion to decide upon a loan amount, which shall be based on the creditworthiness of the applicant and the revenue and expenses of the business.
23. Loans may be for the following types of improvements and their related expenses:
 - interior fixtures, including partitions;
 - interior decorating, including lighting, painting, wallpaper, etc.;
 - built-in showcases, freezers, special plumbing, etc.;
 - signage;
 - related professional fees (architects, engineers, appraisers, lawyers, etc.) and the application fee of the greater of 1.5% of the loan or \$200;
 - such other loan program administrative fees fixed by Council from time to time.
24. Loans shall be advanced only in respect of completed work which has been inspected by the City.

25. Loans may not be made for expenses such as chattels, (such as tables, chairs, cash registers) nor shall loans be made for rental/owner occupied residential accommodation.
26. The building envelope, including exterior shell (foundation, exterior walls, roof, fire escapes, chimneys) and major systems, shall be inspected by the Building Department prior to the loan application being considered by the City. Any deficiencies shall qualify for a loan in advance of facade improvements (store fronts, aesthetics, signage, etc.).
27. The tenant will obtain two estimates for all eligible improvements after the City's inspection of the building. Where an owner personally carries out the work, only the cost of materials is eligible for a loan, upon receipt of invoices.
28. A report by the Building Department (Housing and Loans Division) on each loan will be made to the Planning and Development Committee and Council for approval. The Committee and the Council have the discretion to allow or not to allow the loan. The recommendation of the Board of Management of the local B.I.A. will be received in respect of the exterior improvement portion of loan applications.
29. Each borrower shall give the City a promissory note in respect of each loan; and as security for repayment of the loan made by the City, the borrower shall:
 - (i) where the borrower is a limited company, provide the City with the personal guarantee of at least the majority of the owner(s) of the shares, together with documents satisfactory to the City confirming the authorization of the Corporation to apply for the loan and give the loan security to the City;
 - (ii) the tenant must have at least 25% equity, after covering outstanding property encumbrances, including the amount of the City's loan, on the property the tenant grants the City a collateral mortgage;
 - (iii) the tenant may grant the City a collateral mortgage in other property that meets the City's equity requirements, provided the owner's lawyer prepares and certifies to the City, at the owner's expense, the collateral mortgage in a form satisfactory to the City Solicitor;
30. The borrower shall keep in good standing any taxes or rates levied against the tenant's interest in the property.
31. The Departmental charge shall be 1 1/2% of the loan or \$200, whichever is more, as an administration fee. This will become an eligible expense on the application.
32. Upon sale of a property which is secured by a collateral mortgage, the loan is due and payable in full to the City.
33. All loans become due and payable upon the sale, closing or moving of the borrower's business.
34. Grants to Tenants

The provisions of By-law No. 98-103 on grants to the owners of lands shall apply to grants to the tenants of property located in the Barton Village Community Improvement Plan Area with the necessary changes, except as amended by this section.
35. Grant amounts shall not exceed the sum of \$5,000, in respect of the cost of eligible improvements to each separate location of the tenant under lease from the owner. If the tenant has more than one leasehold interest eligible for this program, the tenant may receive only a maximum of \$15,000 in loans under the program.

Appendix "P" as referred to in
Section 14 (a) of the Thirteenth Report
of the Planning and Development
Committee dated 1998 June 30



1998 June 30

Appendix "Q" as referred to in
Section 14 (a) of the Thirteenth Report
of the Planning and Development
Committee dated 1998 June 30



for kids

300 KING STREET WEST, HAMILTON, ONTARIO L8P 1B1 (905) 523-0300

March 1st, 1998

Attention: **Jeanne Pacey,**

We the undersigned would like to formally request that King Street West between Caroline Street and Queen Street be designated as a Business Improvement Area to be called simply **King Street West**. This name will allow for the potential expansion of our area at any time in the future further west to Dundurn or east to Bay Streets. Please feel free to contact me with any questions or concerns.

Thank you,

A handwritten signature in dark ink, appearing to read "Catherine Sennett", is written over a large, loopy circular flourish.

Catherine Sennett,
Chairperson.

Elected Board of Directors:

Chairperson: Catherine Sennett
Small Talk Clothing Co.
523-0300, fax 526-7270

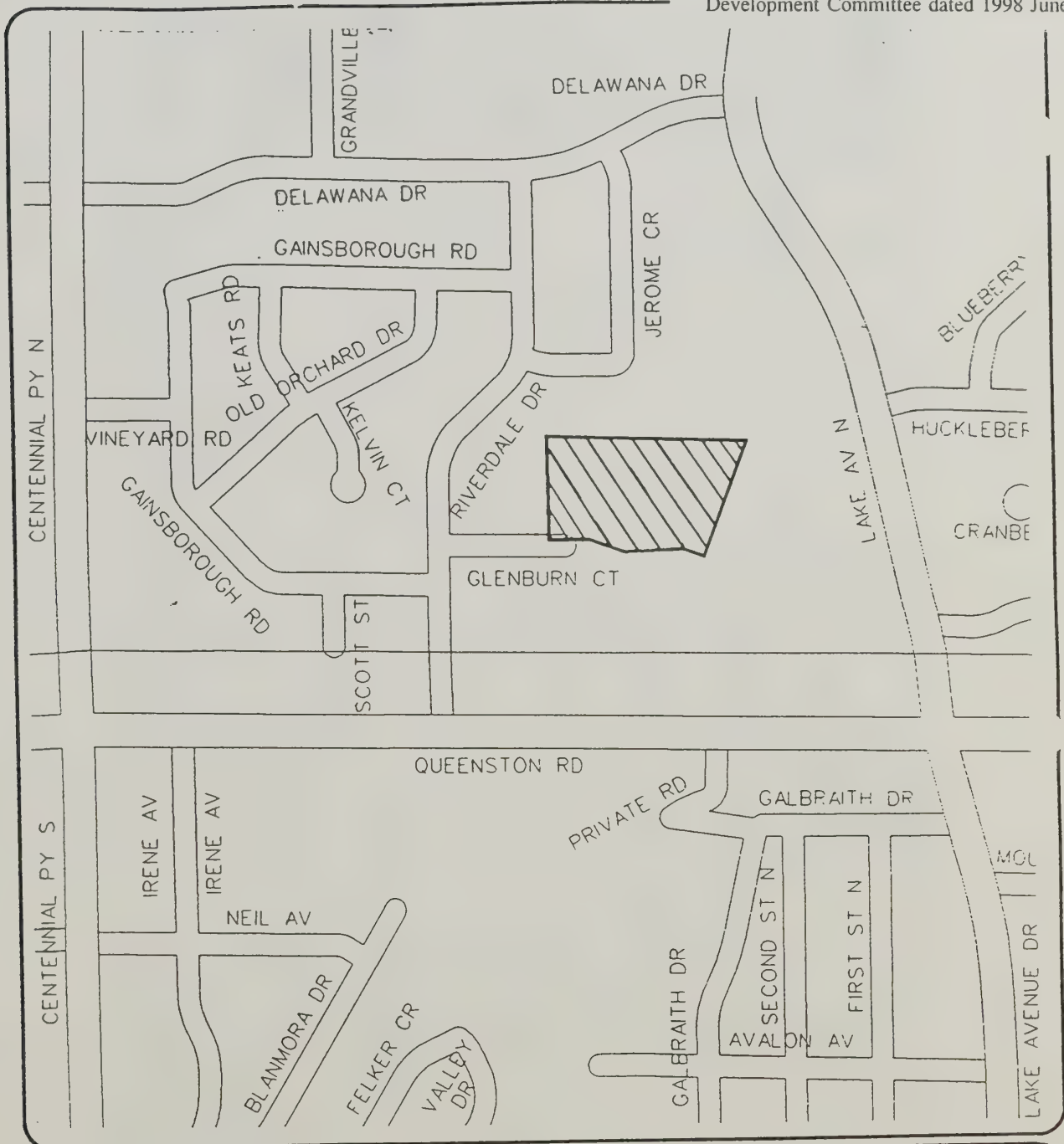
Vice-Chair: Mike Zaccaria
Adrian Michael Hair Fashion
522-4247

Secretary/ Treasurer: Trudy Parsons
Keyin Tech
777-1332, fax 777-8711

FILE No. 98 6025.	
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MP	✓
MCEM	
MES	
CCAS	
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PME	
PDC	✓
SMHM	
SSS	
J. Pacey	

cc: Hazel Milsome

Appendix "R" as referred to
in Section 23 (a) of the Thirteenth
Report of the Planning and
Development Committee dated 1998 June 30



City of Hamilton

Key Map

CDM-CONV-98-003

Planning and Development Department

Legend



75 Glenburn Court

North

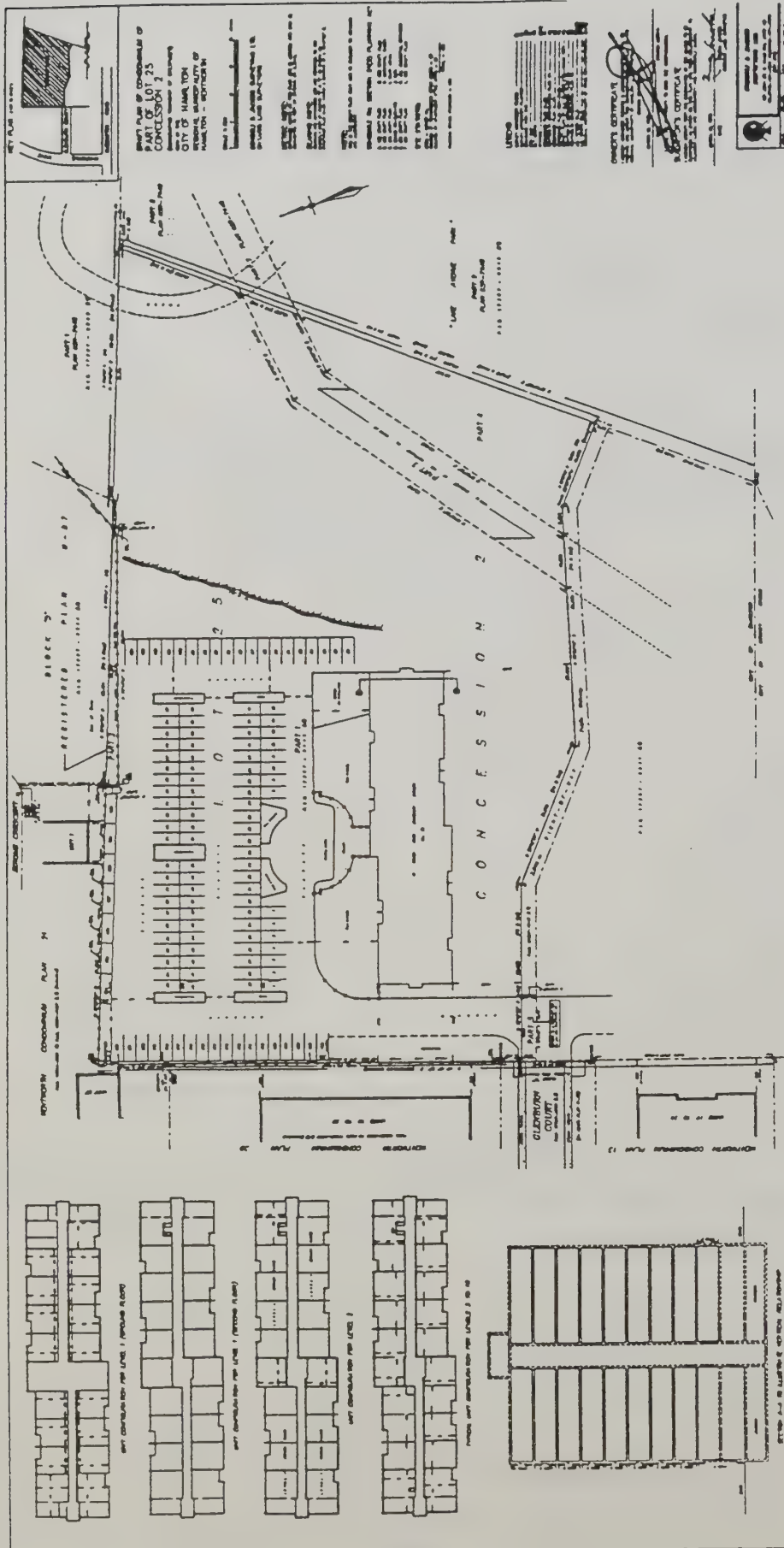


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Date
April 1998

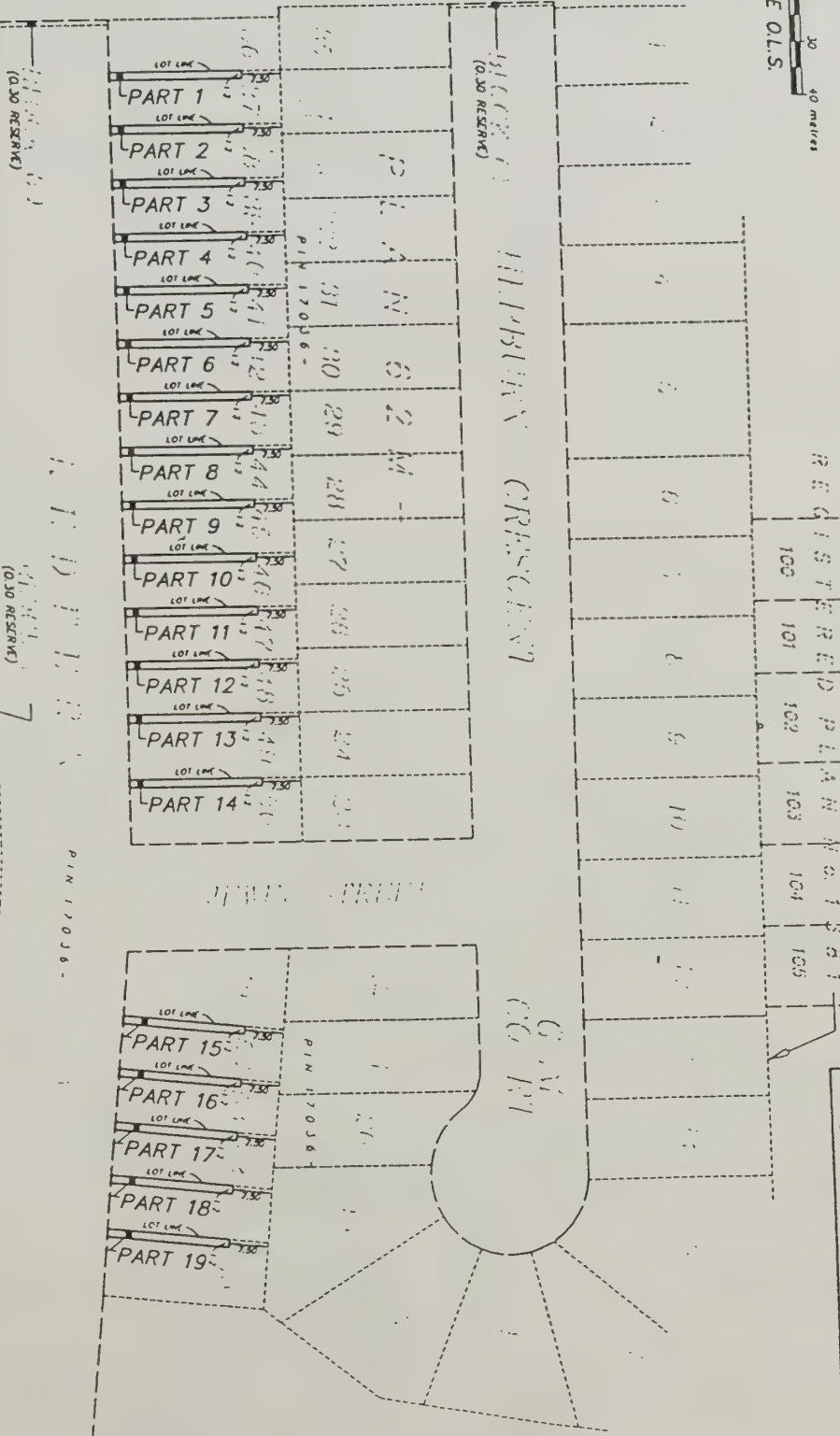
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Drawn By
B.B.

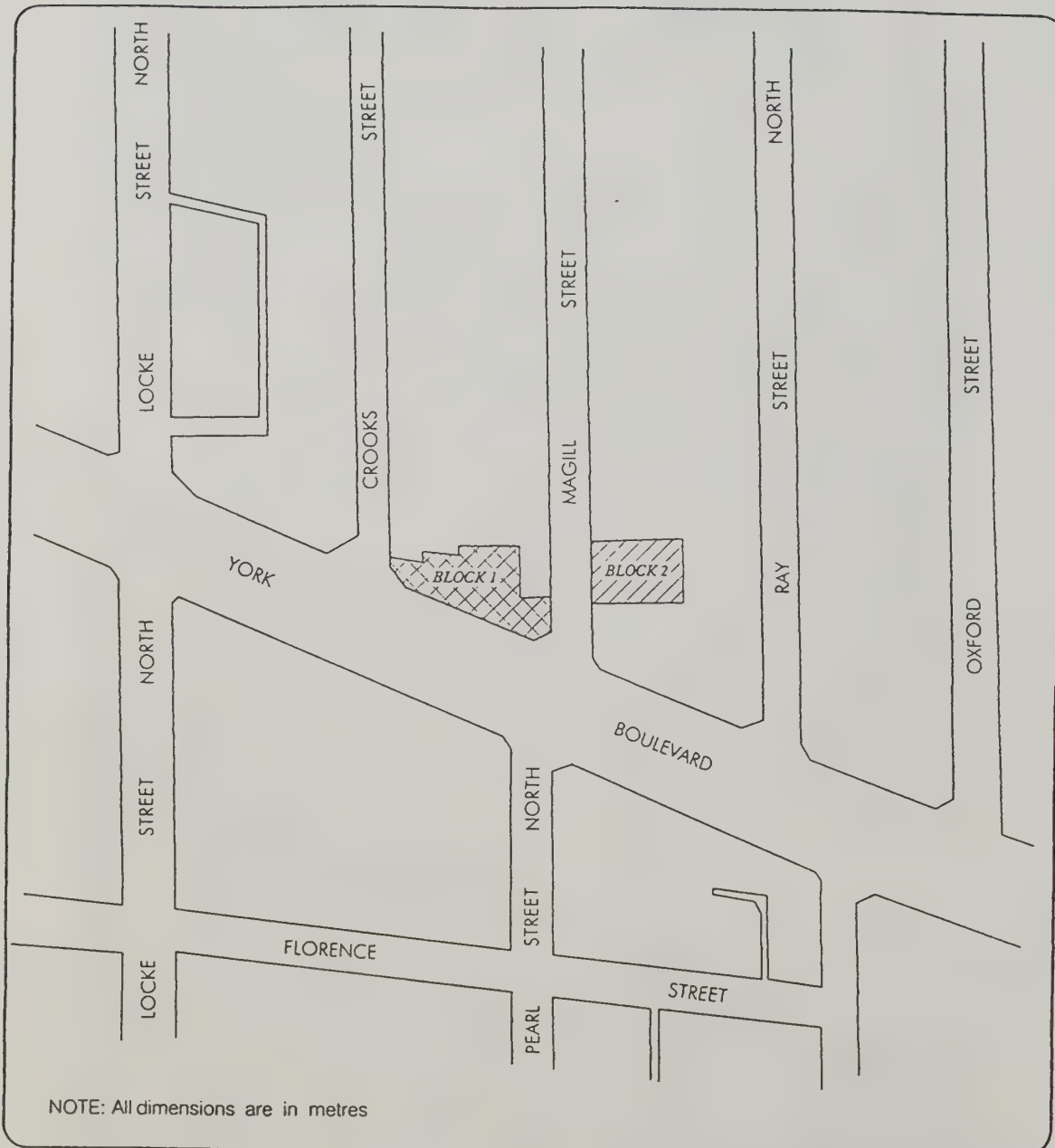


COMPILED PLAN OF
PART OF LOTS 37 TO 50 (INCLUSIVE)
AND PART OF LOTS 52, 53, 54, 55 & 56
REGISTERED PLAN 62M-
IN THE
CITY OF HAMILTON
REGIONAL MUNICIPALITY OF HAMILTON-WENTWORTH
B. J. CLARKE O.L.S.
1997

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City of Hamilton

APPENDIX "A"

to By-Law No. 98-.....

Planning and Development Department

Legend

Change in Zoning From:



BLK 1



BLK 2

"E"-H" (Multiple Dwellings, Lodges, Clubs,
etc. - Holding) District, Modified to
"E" (Multiple Dwellings, Lodges, Clubs, etc.)
District, Modified.

"G-3" - "H" (Public Parking Lots
- Holding) District, Modified to
"G-3" (Public Parking Lots) District,
Modified.

North



Scale
Not to Scale

Date
JUNE 1998

Reference File No.
ZAC-98-05

Drawn By
R.L.

REPORT OF THE FINANCE AND ADMINISTRATION COMMITTEE

To the Council of the Corporation of the City of Hamilton

Members of Council:

The Finance and Administration Committee presents its **SEVENTEENTH** Report for 1998 and respectfully recommends:

1. (a) That the City be authorized to enter into Extension Agreements, if required, in a form satisfactory to the City Solicitor and the City Treasurer pursuant to Section 8 of the Municipal Tax Sales Act, with the owners of the following properties to extend the time open for payment of realty tax arrears in accordance with the policy for extension agreements approved by City Council on 1994 June 28:

9 Robert	928 King E.
84 Cannon E.	11 Strathcona N.
22 Locke S.	231 Gage N.
8 Locke N.	15 Ainslie
249 Victoria N.	540 Woodward
490 Nash N.	9 Wentworth N.
11 Rebecca	1430 Main E.
4 Dartnall	215 Hess N.
286 Sanford N.	231 Cannon E.
556 Upper Sherman	300 Acadia
1403 Main E.	590 Main E.
928 King E.	71 Erie
352 East 36th	73 Erie
1 Somerset	
- (b) That a by-law to authorize the said Extension Agreements be enacted by Council; and,
- (c) That the Mayor and City Clerk be authorized to execute the aforesaid by-law and extension agreements.

2. That purchase orders be issued for the supply and delivery of gasoline and diesel fuels to various City Departments as and when required to 2001 June 30, with the option to renew for two (2) one-year terms in accordance with specifications issued by the Manager of Purchasing, Public Transport/HSR and vendors' tenders, and be financed through various approved accounts, as follows:

Petro Canada

Regular unleaded gasoline	\$.1903
Premium unleaded gasoline	.2252
Regular Low Sulphur Diesel	.1870

Shell Canada

Premium low sulphur diesel	\$.1985
----------------------------	----------

Sunoco Inc.

Regular blended unleaded gasoline	\$.2006
Premium blended unleaded gasoline	.2331

All gasoline prices are plus excise tax @ \$.10 per litre; road tax @ \$.1470 per litre; and GST.

All diesel prices are plus excise tax @ \$.04 per litre; road tax @ \$.1430 per litre; and GST.

3. That a purchase order be issued to Morgan-Scott, Mississauga, Ontario, for the supply and delivery of various janitorial paper products during 1998-1999 to the City of Hamilton - Purchasing Stores, being the lowest of five (5) tenders received, in accordance with specifications issued by Purchasing and Vendor's tender and be financed through Stores Inventory Account No. CH56103 28999.
4. That a By-law to Appoint an Acting Clerk be enacted by Council.
5. That approval be given to the action taken in hosting a reception for the National Meeting of the Moral Re-Armament Association on Saturday, 1998 June 6, by the City of Hamilton for an estimated cost of \$2,479.50 to be charged to Account No. CH54314-84010 Special Receptions/Dignitaries Hosting.

6. That the submission by Econometrics Research Limited (ERL) and Social Planning and Research Council of Hamilton-Wentworth (SPRC) be selected as the consultants to undertake the Social and Economic Impact Study for Charity Casinos (Charity Gaming Clubs) at a cost of \$20,000 plus GST, to be financed from the 1998 Current Budget, Account Centre No. CH24101 55046. **REFERRED BACK.**
7. That the Mayor and the City Clerk be authorized to execute a 90 day extension (from 1998 April 30 to 1998 July 30) to the master lease agreement for leasing services with IBM Canada Limited in a form satisfactory to the City Solicitor.
8. That the City Treasurer be authorized to transfer the excess debenture proceeds of \$7,194.93 from City Hall - Roof Replacement project, Account Centre No. CF 258453001 (City By-Law No. 95-090) to 1996 Road and Sidewalk Reconstruction Program, Account Centre No. CF 529642001 (City By-Law No. 96-050).
9. That the 1998 Grants Budget be released in advance of the final approval of the 1998 Current Budget to alleviate cash flow problems being experienced by the various successful grant applicants for both the General and Convention/Reception Grants.
10. That with respect to rear portions of 1472 and 1496 Upper Gage Avenue expropriated by Expropriation Plan LT 494229 on 1998 March 16 (pursuant to Expropriation By-law No. 98-068 enacted 1998 February 10) for highway and municipal purposes, namely the extension of Elmore Drive, the City Clerk be authorized and directed to:
 - (a) Sign and serve Notice in accordance with Section 39 of The Expropriations Act that possession of the expropriated land is required; and,
 - (b) Sign and serve Offers of Compensation in accordance with Section 25 of The Expropriations Act for the expropriated lands as follows:
 - (i) For the rear portion of 1472 Upper Gage Avenue, designated as Parts 1 and 2 on Expropriation Plan LT 494229, former owners, John Murray Crockett & spouse and Barbara Elizabeth Crockett & spouse, the sum of \$9,750; and,
 - (ii) For the rear portion of 1496 Upper Gage Avenue, designated as Parts 3 and 4 on Expropriation Plan LT 494229, former owners, Bertilla Zanesco, in trust, Corrado Zanesco, Doris Zanesco, Paul Zanesco, and spouses of the former owners, the sum of \$25,500; and the former tenants, Susan and Donald Clewley, for \$1.

11. (a) That the City Clerk be delegated the authority to respond to the Alcohol and Gaming Commission of Ontario (AGCO) on applications for special liquor permits for special events being held in the City of Hamilton, subject to the following:
 - (i) That the terms and conditions of the Special Events Guidelines, approved by City Council on 1997 June, attached herewith and marked Appendix "A", are met with the exception of the requirement for a site map of the event being submitted sixty (60) days prior to the event; and,
 - (ii) That the Aldermen for the Ward are in support of the application; and,
 - (iii) That the City Clerk provide a regular information report to the Finance and Administration Committee on actions taken; and,
- (b) That in the event that both Ward Aldermen do not support the application, that the City Clerk submit the request to the Finance and Administration Committee for consideration.
12. (a) That each of Licensing By-Laws 76-32 Body Rub Parlours; 79-144 Adult Entertainment Parlours; 80-259 Second Level Lodging House; 93-069 Licensing Code; 93-240 Lottery; and 95-173 Adult Video, as amended, be further amended as set out below:
 - (i) That the City Clerk issue lottery licenses in accordance with regulations set out below, attached herewith and marked "Appendix B"; and,
 - (ii) That the Building Commissioner issue business licences in accordance with regulations set out in the Appendix; and,
 - (iii) That the City of Hamilton Licensing Committee hold hearings respecting appeals which have resulted from the City Clerk's or Building Commissioner's:
 - (1) Refusal to issue or renew licences; or,
 - (2) Recommendation to suspend or revoke licences; and,
 - (iv) That appropriate sections of the above by-laws be replaced to make improvements to and conform with Section 257.1-7 of The Municipal Act as set out in the Appendix; and,

- (v) (1) That an incentive of 10% or \$15, whichever is less, be provided for issuance of each 1998 business licence and renewal, commencing with the start-up of the new computer system and ending on 1998 December 1; and,
- (2) That a late renewal re-instatement fee be established; and,
- (3) That renewal dates for 1999 be staggered and licence fees pro-rated; and,
- (b) That the City Solicitor be authorized and directed to prepare the appropriate consolidated by-laws for enactment.
13. That the following Commercial Property Improvement Loans, in the total amount of \$160,933.81, be written off and charged to the Commercial Property Improvement Loan Program, Account No. CH 17116 00329.
- | <u>Loan No.</u> | <u>Amount</u> | <u>Loan No.</u> | <u>Amount</u> |
|-----------------|---------------|-----------------|---------------|
| 27 | \$22,764.93 | 53 | \$37,728.56 |
| 74 | 29,975.76 | 88 | 8,625.83 |
| 121 | 33,364.93 | 5 | 3,003.76 |
| 114 | 25,470.04 | | |
14. That the request from James Street Baptist Church for a deferral on Community Heritage Trust Fund Program loan repayments for a period of one year, from 1998 August 1 up to 1999 July 31, after which time the borrower will be required to resume monthly payments of \$555.13, be approved.
15. (a) That approval be given to amend City of Hamilton Licensing By-Law 93-069, as amended, Schedule 32, governing public garages, by introducing new regulations and amending existing regulations respecting minimum requirements pertaining to commercial parking lots, on the following basis:
- (i) That Sub-Section 1 be amended by adding the following clauses:
- "(b) "landscaped area" shall mean an area of land provided and maintained on the same lot on which the building, structure or use is situated, no part of which shall be other than:

- i) fully and completely open and exposed to natural light and air and unobstructed above the surface; and,
 - ii) used exclusively for scenic, recreational or like uses; and,
 - iii) not less than 50% of which shall be natural earth comprised of the natural planting of grass lawns, trees, shrubs and flowers in such manner as to establish and enhance the beautification of the landscaped area and any building or structure on the same lot, and may include a planting strip, but shall not include area used for parking space, manoeuvring space, access or egress driveways or any other vehicular purpose of any kind, nor any area occupied by an accessory building, nor any open space beneath, within or on the roof of any building; and,
- (c) "Planting strip" means an area of land growing ornamental shrubs or trees or both, suitable to the soil and climatic conditions of the area of land for the sole purpose of providing a visual barrier or buffer; and,"
- (ii) That Clause 4.(3)(d) be amended by adding the words "paving, fencing, markings, bumpers/wheel barriers and lighting" after the word Landscaping, so that the clause reads, "Landscaping, paving, fencing, markings, bumpers/wheel barriers and lighting; and,
 - (iii) That Sub-Section 7.(1)(a) be amended by deleting Clauses (i),(ii),(iii),(iv) and (v) and rewording Sub-Section (a) to read; "A permanent durable and dustless surface that is graded, drained, and paved with concrete or asphalt or a combination of concrete and asphalt shall be provided and maintained on all outside areas to which motor vehicles will have access." so as to coincide with the requirements of the City of Hamilton Zoning By-Law Section 18A.(30); and,
 - (iv) That Sub-Section 7.(1)(b) be amended by deleting the words "at least twenty inches high" from the fourth line; and,
 - (v) That Sub-Section 7.(1) be amended by adding the following clauses:
 - "(e) A landscaped area with a planting strip having a minimum average width of 2.0 metres (6.56') but not less than 1.0 metres (3.28') in width, shall be provided and maintained along the entire street line of the lot, except for the area used for access driveways; and,

- (f) An area landscaped with a planting strip of not less than 1.5 metres (4.92") in width shall be provided and maintained along and within every side lot line and rear lot line that abuts a residential district or use; and,
 - (g) A visual barrier not less than 1.2 metres (3.94') and not more than 2.0 metres (6.56') in height shall be provided and maintained along every side lot line and rear lot line of a public parking lot which adjoins a residential district or use, except that no visual barrier shall be situated less than 3.0 metres (9.84') in distance from a front lot line; and,
 - (h) All open areas, except areas required to be landscaped, shall be paved with asphalt or concrete, and so graded or drained as to ensure that surface water will not escape to neighbouring lands; and,
 - (i) Every lighting facility shall be so designed, installed and maintained as to ensure that light is deflected away from all lands designated for residential uses, and any lighting of signs shall similarly be so deflected; and,
 - (j) Lighting shall be provided to a minimum level of 5 foot candles in all areas used for parking and access of vehicles as well as those areas used for pedestrian access to and from the parking areas. Readings to be taken at 3 feet from the ground; and,"
- (vi) That a new Subsection 7(3) be added as follows:
- "(a) Except as provided in subsection b), the operator of every parking station and parking lot shall provide and maintain the facilities as set out in the approved plot plan required by Section 4 prior to the issuance of the licence."; and,
 - (b) Where a similar licence was in effect for the previous year with respect to the same premises and the existing facilities pertaining to landscaping , paving, fencing, markings, bumpers/wheel stops and minimum lighting are not in accordance with the requirements as set out in this by-law then; and,
 - (i) The operator shall provide a satisfactory plot plan in accordance with Section 4, notwithstanding the exemption contained therein, and;

- (ii) The operator shall provide these facilities in accordance with the approved plot plan; and,
 - (c) The requirements of Sub-Section 7.(3)(b)(ii) shall be effective one year from the date of the passing of this amendment; and,"
 - (b) That the Building Commissioner be authorized and directed to pro-actively enforce the requirements of the Licensing By-law as amended regarding parking lots in the downtown area; and,
 - (c) That the City Solicitor be authorized and directed to prepare the appropriate amended By-law for enactment.
16. (a) That a purchase order be issued to McMaster University, Hamilton, Ontario for the provision of an Occupational Health and Exposure Programme, for a period of one (1) 12-month term with an option in favour of the City to renew for two (2) 12-month terms, in accordance with a Request for Proposal issued by the Purchasing Department and Vendors Proposal. This program includes data collection and analysis by the Occupational Health Clinics for Ontario Workers, Hamilton Clinic (OHCOW); and, **AMENDED.**
- (b) That this expenditure be financed through the current budget account established for this program CH 555XX 48050 - Medical Surveillance; and,
 - (c) That the Mayor and the City Clerk be authorized and directed to execute a contract for the above in a form satisfactory to the City Solicitor.
17. (a) That the Mayor and City Clerk be authorized to execute a Municipal Capital Facility Agreement with The Hamilton East Kiwanis Boys' and Girls' Club Inc. The Agreement will govern the provision of the operation of the facility by the Hamilton East Kiwanis Boys' and Girls' Club for the City of Hamilton; and,
- (b) That the City Solicitor be authorized and directed to prepare the appropriate By-law for enactment; and,
 - (c) That the City Clerk give Notice of passage of the By-Law to the Minister of Education and Training, the Regional Assessment Commissioner and to the Clerk of the Regional Municipality of Hamilton-Wentworth and to the Secretaries of the Hamilton District School Board and the Hamilton-Wentworth Catholic District School Board; and,

- (d) That upon enactment of the By-Law, the City Treasurer strike from the tax roll the Hamilton East Kiwanis Boys' and Girls' Club's taxes from the date of enactment of the By-Law.
- 18.
- (a) That approval be given to issue a purchase order in the amount of \$19,688 inclusive of G.S.T.(\$1,288) to commission Terraprobe Limited of Hamilton to provide further consultative and investigative work in relation to the slope rehabilitation on City property at 125 Barton Street West and provide engineering services, specifications and drawings for tendering purposes to be financed from Capital Fund Account - Embankment Stabilization CF319741039; and,
 - (b) That the City Solicitor be authorized to enter into "Authority to Enter" documents with the owners of 231 Bay Street North (David Frederick Laing Dawson and Marlaise Josepha Cahill); 221 Bay Street North (Pin Khu and Ani Khu); 219 Bay Street North (Khuong Dai and Yen The Dai); 215 Bay Street North (Mark William Marsdin and John George Marsdin); 211 Bay Street North (Calogero Bartolotta and Rosa Bartolotta); 207 Bay Street North (Sam Buscarino and Carmela Buscarino); 205 Bay Street North (Nancy Partito); 201 Bay Street North (Frank Vassallo and Maria Vassallo); 64 Sheaffe Street (Raffaele Garlisi and Concettina Garlisi); 66 Sheaffe Street (Edward Partito and Angeline Partito); and 70 Sheaffe Street (Cipolla Estate); and,
 - (c) That a reference plan be prepared in order to delineate the easement requirements.
- 19.
- (a) That the Corporation of the City of Hamilton exercise its third and final year option and continue to contract with Engage Energy Canada, L.P. for the supply of natural gas under the Bundled Transportation Service Agreement for the period 1998 November 1 through to 1999 October 31 at a price equivalent to the variable monthly indexed pricing as published by the Alberta Energy Corporation (AECO) plus Engage Energy's margin of \$0.004/gigajoule and \$0.025/gigajoule for Energy Management Services, this being the lowest acceptable bid received in accordance with specifications issued by the Purchasing Division, Ref. C19-8-96; and,
 - (b) That the Corporation of the City of Hamilton extend the term of the contract with Engage Energy Canada, L.P. for one year from 1999 November 1 to 2000 October 31; and,
 - (c) That the Mayor and City Clerk be authorized and directed to execute the revised contracts in a form satisfactory to the City Solicitor.

20. (a) That approval be given to issue a Purchase Order to MBM Mechanical & Welding Ltd. of Stoney Creek, Ontario in the amount of \$97,229.50 inclusive of G.S.T.(\$5,660.81) and contingency of \$10,700 to supply the necessary labour and materials to replace the two main heating boilers located in the penthouse of Hamilton Place, this being the lowest of two acceptable alternative bids received in accordance with the specifications issued by the Purchasing Division, Ref. C2-898; and,
- (b) That the work be financed from the Capital Funds Account CF709851035 (\$100,000) as approved by the Committee of the Whole during the 1998 - 2007 Capital Budget deliberations.
21. (a) That the Mayor and the Chairman of the Finance and Administration Committee, or Committee Vice Chairman in the absence of the Committee Chairman, be authorized to award the contracts relating to the Council Chambers Renovations and Barrier Free Design Modifications projects, provided that:
 - (i) The recommended tender(s) meets the tender specifications for the contract(s) and is the lowest qualified bid; and,
 - (ii) That cost of the contracts to be awarded shall not exceed the cumulative amount of \$422,106 (inclusive of GST); and,
- (b) That the costs of the contracts to be awarded be funded from accounts CF 709841056 (City Hall-1998 Retrofit-Phase I, available funds \$250,000) and CF 329441017 (Barrier Free Design Modifications, all City Buildings, available funds \$172,106); and,
- (c) That the Director of Culture and Recreation report back to the Finance and Administration Committee and City Council respecting the outcome of the tender process; and,
- (d) That the Mayor and the City Clerk be authorized to execute all necessary documents respecting subsection (a), in a form satisfactory to the City Solicitor.

22. (a) That the City Treasurer be authorized to suspend temporarily the City's Investment Policy until the tax collection of the 4th instalment, due to the delay in collection of the City's tax revenue; and,
- (b) That the Mayor write to the Honourable Minister of Municipal Affairs and Housing requesting a grant at an estimated amount of \$1,750,000 to the Hamilton taxpayers for the shortfall in investment income and interest expenses because of the City's borrowing due to the delay in the collection of the City's tax revenue caused by the delay in submitting the Assessment Roll by the Province of Ontario.
23. (a) That the City accept a settlement of the outstanding business taxes applicable to the Chattanooga Creek Ltd., 75 Centennial Parkway North, in the amount of \$ 29,795.22; and,
- (b) That the City accept a settlement of the outstanding business taxes applicable to Dimaggios American Italian Eatery, 1705 Main Street West, in the amount of \$3,750; and,
- (c) That where prior Committee approval cannot be obtained due to time constraints, Treasury staff be authorized to settle outstanding business tax accounts where a distraint has taken place and settlement is deemed to be in the best financial interests of the City, subject to a subsequent report to the Committee outlining the details of the settlement.
24. (a) That two Senior Property Officer/Appraiser positions from the current five (5) Senior Property Officer/Appraiser complement be eliminated; and,
- (b) That two positions be established titled Chief Appraiser and Chief Property Officer and that job documentation for these positions be prepared and forwarded to Human Resource Services for review and establishment of salary classification.

REFERRED BACK TO COMMITTEE OF THE WHOLE

25. (a) That an Offer to Purchase 897 Barton Street for the price of \$35,000, executed by John I. Stypsianos and Michael Stypsianos, dated 1998 June 1, be accepted. The said land has a frontage along the northerly limit of Barton Street East of 13.81 metres (45.31 feet) more or less, a depth of 33.53 metres (110.01 feet) more or less, comprising a total area of 462 square metres (4,973 square feet) more or less, being part of Lot 3 and all of Lot 4, Registered Plan No. 374, said transaction scheduled to close on 1998 August 6. Funds derived from this sale, less commission, plus GST, be credited to Account Centre CH 00202 (Offstreet Parking Reserve); and,
- (b) That it be understood and agreed that:
- (i) The purchaser may be required to pay development and sewer charges; and,
- (ii) The Purchaser acknowledges that there is an encroachment on the subject property from adjacent structures. The Purchaser agrees to accept title to the subject property subject to said encroachments which shall not affect the purchase price; and,
- (c) That the required deposit in the amount of \$3,500 be held by the City Treasurer pending Council approval; and,
- (d) That upon successful completion of this sale, a real estate commission of 5% of the sale price, plus GST, be paid to Star Real Estate Limited (Sales Representative David G. Field), who acted in this matter; and,
- (e) That the City Clerk be authorized and directed to execute and issue a Certificate of Compliance in the form prescribed pursuant to Section 193 of the Municipal Act incorporating the following:
- (i) Satisfactory notice has been given to the public of the intended sale; and,
- (ii) An appraisal of the fair market value of the real property intended to be sold was obtained on 1998 May 29. **REFERRED BACK.**
26. (a) That the City resolve Ontario Court (General Division) Small Claims Court Action No. 13948/97 by the payment to the Plaintiff, Pierre D'Eon, of the sum of \$450, inclusive of all damages, interest and costs; and,

- (b) That the Plaintiff be required to execute a Full and Final Release in a form satisfactory to the City Solicitor; and,
 - (c) That Ontario Court (General Division) Small Claims Court Action No. 13948/97 be dismissed without costs.
- 27.
- (a) That the City of Hamilton resolve Ontario Court (General Division) Action # 13542/96 by the payment to the Plaintiff, Ella Montgomery, of the sum of \$22,177.25, inclusive of all claims for damages, interest and costs; and,
 - (b) That the Plaintiff be required to execute a Full and Final Release in a form satisfactory to the City Solicitor; and,
 - (c) That Ontario Court (General Division) Action # 13542/96 be dismissed without costs.
28. That a Millennium Committee be struck consisting of the Mayor, the Chairmen of the City's four Standing Committees, the Chairman of H.E.C.F.I. and with the assistance of the City's Special Events Advisory Team.
29. That the following Bills be adopted, signed, sealed and enrolled as By-laws:
- (a) D-31 A By-law to Authorize an Extension Agreement for Payment of Realty Tax Arrears.
 - (b) D-32 A By-law to Authorize 1998 Debenture Projects and Amounts.
 - (c) D-33 A By-law to Replace Schedule 17 of Licensing By-law No. 79-323 as Consolidated in By-law No. 93-069 Respecting: Salvage and Second-Hand Goods Businesses.
 - (d) D-34 A By-law to Appoint: An Acting Clerk.
 - (e) D-36 A By-law to Confirm the Proceedings of the Council of The Corporation of the City of Hamilton.

Respectfully submitted,

**ALDERMAN D. WILSON, CHAIRMAN
FINANCE AND ADMINISTRATION COMMITTEE**

**Susan K. Reeder
Secretary
1998 June 23**

It was moved by Alderman Kiss and seconded by Alderman Copps that Section 5 of the Ninth Report of the Finance and Administration Committee for 1998, approved by City Council at its meeting of 1998 March 31, respecting the appointment of members of the Status of Women Sub-Committee for a one year term, be reconsidered.

Recorded Vote:

YEAS: Mayor Morrow, Aldermen Kiss, Corsini, Copps, Jackson, and D'Amico. -6.

NAYS: Aldermen Caplan, Morelli, Haining, Wilson, Collins, Charters, Anderson, Kelly, and O'Sullivan. -9. **LOST.**

Special Events Guidelines
Standard Terms and Conditions

1. That insurance as deemed necessary in the amount of \$2 million, \$3 million or \$5 million Comprehensive General Liability Insurance for Property Damage, Bodily Injury and where applicable, to include, Participant Liability, Liquor Liability, garbage Liability, Non-Owner and Owned Automobile coverage, Watercraft, Tenant Legal Liability and any other deemed necessary and satisfactory to the City Solicitor, subject to cross-liability and severability provisions, naming the City as an additional insured.
2. That all requirements as identified by the Alcohol and Gaming Commission of Ontario are met; and,
3. That the Alcohol and Gaming Commission of Ontario be advised that the Hamilton City Council is aware of the listed events being held and deems these events to be community festivals of municipal significance to the City of Hamilton; and,
4. That in this regard, the City of Hamilton has no objections to the issuance of a special occasions permit for the events; and,
5. That alcoholic beverages be served in a confined area; and,
6. That organizers and their workers who are providing alcoholic beverages be encouraged to participate on a voluntary basis, in a "Server Intervention Training Program"; and,
7. That the event organizers enter into a License Agreement satisfactory to the City Solicitor; and,
8. That the applicant assume responsibility for all labour charges associated with the event (set-up, dismantling, clean-up, etc.); and,
9. That Special Duty Officers, as deemed necessary by the Hamilton-Wentworth Regional Police, be provided at the applicant's expenses; and,
10. That permission be granted to the event organizers to hold carnival/midway rides in the parks during their event; and,
11. That all event organizers use a qualified, licensed supervisor to light the fireworks display; and,
12. That all event organizers adhere to Fireworks By-law No. 90-198; and,
13. That a site map, specific to each event, be submitted sixty (60) days prior to the event; and,

14. That the Public Works and Traffic Department's Street Vendors Program at Bayfront, Gage, and Dundurn Parks be allowed to remain open throughout the events; and,
15. That applications for a Special Event will be subject to the Terms and Conditions of the Special Events Guidelines, as amended.

Business and Lottery Licence Application Processing, Approval, and Issuance

Administration of the Lottery Licenses shall be by the City Clerk and administration for Business Licenses by the Building Commissioner.

Enforcement of the By-laws shall be carried out by By-law Enforcement Officers of the City. Licence Inspectors of the Building Department shall enforce business licences and Licence Inspectors of the City Clerk's Department shall enforce lottery licences. In accordance with the Police Services Act, Police Officers shall also enforce these by-law.

Provincial Lottery Licence forms shall be used for application purposes for lottery licences.

- Applications for a lottery, business, trade, or occupation shall be in writing.
- Applicants for Municipal Lottery Licenses shall use one of the following Provincial Lottery Forms: Bingo Lottery, Break Open Ticket Lottery, Raffle Lottery, and Bazaar Lottery.
- Applicants for business licenses shall pay a \$50 non-refundable processing fee for each new or transfer application for each class of business licence applied for.
- Applicants for garage business licenses shall pay a single \$50 fee only for one or more classes of garage licence.
- Applicants for a business licence shall pay the prescribed licence fee and upon approval shall be entitled to a licence for one year from the date of issuance unless otherwise specified in the schedule.
- Applicants for lottery licences shall be charged a 3% fee calculated on the total retail value of prizes to be given away.
- Once a business licence application has been completed, signed and fee paid, the Building Commissioner shall forward a copy of the licence application to the applicable departments specified in the schedule to request that an investigation or test be carried out. The nature of the investigation or test (for competency) will relate specifically to the proposed business, trade, or occupation applied for. The report shall be sent back to the Building Commissioner with the results of the inspection or test.
- The inspecting departments may include one or more of the following: Building, Fire, Health, Traffic, City Clerk, Hamilton-Wentworth Regional Police, or other departments as required by the licence schedule.

- If the application is for the renewal of a licence which was valid in the preceding year, inspection reports may be waived and upon payment of the renewal fee the licence may be re-issued for a further year. In the case of a renewal of a lottery licence, the fee will be 3% of the total prizes to be given away.
- Notwithstanding the applicable business licence fees, 1998 licence holders and applicants applying for new or transfer licenses shall be entitled until 1998 December 1 to a 10% reduction on their licence fees or \$15, whichever is less. This reduction shall be applied on a one time basis until 1998 December 1, following which the reduction will expire.
- Applicants renewing 1998 business licences after 1999 January 1 are required to pay a \$25 re-instatement fee in addition to the annual licence fee.
- Applicants must fully comply with the requirements of the schedule, prior to the licence application being considered for approval by the Building Commissioner or City Clerk.
- Where there is no adverse departmental report and if the applicable character and/or driving record complies with the departmental policy standard approved by City Council on licence issuance, the Building Commissioner will approve and issue the licence.
- The Building Commissioner may issue a conditional licence in accordance with the policy standard approved by City Council
- When a lottery licence application complies with Provincial Law or Provincial Policy Manual, as well as the City By-law and the proceeds from the lottery will be used to benefit the community, the City Clerk will approve and issue the licence.
- Business licences shall be issued for one year, unless otherwise specified in the by-law schedule. Licence application fees are refundable if the application is cancelled.

The \$50 processing fee is non-refundable.

- The licensing by-laws shall be amended to include the regulations contained in Section 257. 1-7 of The Municipal Act including: power to licence any business; to define and separately licence classes of businesses; power to impose conditions on licence holders; power to restrict the hours of operation of a business; new inspection powers; power to impose special conditions on a business as a requirement of continuing to hold a licence; and power to set licence fees taking into account the cost of administration and enforcement. Licensing by-laws will expire the earlier of five years after they come into force or the day they are repealed.
- Limitations to these powers include licensing decisions being open to judicial review based on the courts interpretation of the by-laws.

- The term of a lottery licence shall not exceed one year. Lottery licence fees are refundable, subject to Provincial Law and City By-law, if the event(s) is cancelled, excepting a Raffle Lottery where sale of tickets have commenced.
- Applicants renewing business licences in subsequent years will be required to pay a \$25 re-instatement fee if the current year's licence is renewed after the expiry date of the licence.
- The Building Commissioner shall sign all business licence certificates. The mechanical reproduction of the signature is acceptable.
- The licence certificate, identification cards, or licence plates are the property of the City.
- Municipal lottery licence certificates are the property of the City.
- If investigation discloses any breach of the law or by-law or the applicant's character is not good according to the departmental policy standard approved by City Council on licence refusal, the Building Commissioner shall refuse to issue a business licence.
- If investigation discloses any breach of the law or by-law the City Clerk shall refuse to issue a lottery licence.
- The By-law requires that licensed premises are kept clean and orderly and licensed vehicles are to be maintained in a clean and safe manner, suitable for their intended purpose.
- All Licence Inspectors, other authorized inspectors, and Hamilton-Wentworth Police may inspect at all reasonable times.
- A fee of \$10 shall be charged for replacement of a lost licence certificate, a fee of \$5 for a replacement photo I.D. Card, and a fee of \$50 for a replacement licence plate.
- If a business licence application is for a renewal of a business licence held the previous year, a declaration respecting any change in the use of the business or nature of the business is required. The declaration shall also include a statement concerning no criminal convictions for those licences requiring character checks.

The Licensing Committee may suspend, revoke, or not renew a business or lottery licence:

- In accordance with Section 257.3 of The Municipal Act, or where the licensee has been convicted under the Provincial Offenses Act.

- Any person who is refused a licence or renewal or has been notified of the intended recommendation to suspend or revoke a licence by either the City Clerk or Building Commissioner, may appeal in writing, setting out the grounds for appeal and shall be filed with the Secretary of the Licensing Committee within 30 days of such action being taken.
- The Licensing Committee shall convene a hearing after receipt of the appeal by the Secretary, and such hearing shall be held no later than sixty (60) days from the date of receipt of the appeal.
- The Licensing Committee shall hear all appeals.
- All decisions respecting hearings by the Licensing Committee where the application is issued, denied, suspended, revoked, or not renewed shall be reported to the Council.
- When the Licensing Committee has held a hearing and has refused to issue, transfer, or renew a licence or has suspended or revoked a licence and City Council has made a decision with respect to a recommendation of the Committee, any re-hearing with respect to that licence shall not be considered for one year from the date of the decision by City Council.
- A refund of part of the business licence fee proportionate to the unexpired portion of the year shall be made to a person that has his/her licence revoked.
- A refund of the portion of the lottery licence fee shall be paid for lottery events not yet conducted or held.
- Notice of the decision of City Council as to the refusal to issue or renew, suspend or revoke a licence shall be signed by the Secretary and sent by registered mail or delivered in person to the last known address of the licence holder. Upon such notification, the licence which has been suspended or revoked shall cease to be valid.
- Upon suspension or revocation of the licence, or if the business ceases to operate, the licence holder is required to return any licences, certificates, licence plates, stickers, and photo identification cards to the Building Commissioner or City Clerk.

**Departmental Policy Standard
Character and Driving Record Criteria
For Conditional Issuance and Refusal
Of Mobile Licence Applications**

A	Refuse licence if 2 or more Criminal Code convictions within 2 years of the application date
B	Refuse licence if 3 or more Criminal Code convictions within 5 years of the application date
C	Refuse licence if convicted of a Criminal Code offence where the sentence imposed was 5 years or longer
D	Issue conditional licence for 1 year if convicted of 1 Criminal Code conviction within 5 years of application date
E	Refuse licence if 1 Criminal Negligence or Impaired Driving conviction within 1 year of application date
F	Refuse licence if 2 Criminal Negligence or Impaired Driving convictions (or 1 of each) between 1 and 4 year old from application date
G	Issue conditional licence for 1 year, if 1 Criminal Negligence or Impaired Driving conviction, between 1 and 4 years old from application date
H	Refuse licence if either 6 demerit points lost or 4 driving convictions within 1 year of application date
I	Issue conditional licence for 6 months if 3-5 demerit points lost or 3 driving convictions within 1 year of application date

Cab Driver
Cab Owner
Limousine Driver
Limousine Owner
Tow Truck Driver
Tow Truck Owner

A conditional licence issued as a result of a criminal record is for a 1 year period (licence holder must submit an updated criminal abstract at 6 months and at 1 year).

A conditional licence issued as a result of a driving record is for a 6 month period (licence holder must submit an updated driving record at the end of the 6 month period). At annual licence renewal, an updated driving record is required for all mobile "driver" licence holders

Notwithstanding the policy, the Building Commissioner may refuse an application for a licence above due to concerns of public safety being at risk. The licence applicant shall be informed of this decision in writing. It is a licence applicants right to appeal this decision to the Licensing Committee.

**Departmental Policy Standard
Character Criteria
For Conditional Issuance and Refusal
Of Establishment Licence Applications**

A	Refuse licence if 2 or more Criminal Code convictions within 2 years of application date
B	Refuse licence if 3 or more criminal convictions within 5 years of the application date
C	Refuse licence if convicted of a criminal offence where the sentence imposed was 5 years or longer
D	Issue conditional licence for 1 year if convicted of 1 Criminal Code conviction within last 5 years

Adult Entertainment Parlour – Owner
 Adult Entertainment Parlour – Operator
 Adult Entertainment Parlour – Attendant
 Body Rub Parlour – Owner
 Body Rub Parlour – Operator
 Body Rub Parlour – Attendant
 Garage - B1 motor repair and body, B2 motor repair only, B3 body only
 Precious Metal Dealer
 Pawnbroker
 Salvage Yard
 Second Hand Shop

A conditional licence issued as a result of a criminal record is for a 1 year period (licence holder must submit an updated criminal abstract at 6 months and at 1 year).

Notwithstanding the policy, the Building Commissioner may refuse an application for a licence above due to concerns of public safety being at risk. The licence applicant shall be informed of this decision in writing. It is a licence applicants right to appeal this decision to the Licence Committee.

HAMILTON-SCOURGE STEERING COMMITTEE

To the Council of the Corporation of the City of Hamilton

Members of Council:

The Hamilton-Scourge Steering Committee presents its **SECOND** Report for 1998 and respectfully recommends:

1. (a) That authorization be given to the Director of Culture and Recreation to apply to the Canada Millennium Partnership Program for a grant for an amount of up to \$894,330 for the Hamilton Scourge Ghost Ships Millennium Project; and,
- (b) That the Director of Culture and Recreation be authorized to prepare and issue an Introductory Expression of Interest in consultation with the Technical Study Team to relevant potential private sector partners who may be able to carry out investigative and scientific work identified in the grant proposal, the Hamilton and Scourge Ghost Ships Millennium Project, and/or provide support of other elements of the Project.

Respectfully Submitted,

**ALDERMAN F. D'AMICO, CHAIRMAN
HAMILTON-SCOURGE STEERING COMMITTEE**

**Kevin C. Christenson
Secretary**

1998 June 22

REPORT OF THE NOMINATING COMMITTEE

To the Council of the Corporation of the City of Hamilton.

Members of Council:

The Nominating Committee presents its **SIXTH** Report for 1998 and respectfully recommends:

1. (a) That the following Members of City Council and citizens be appointed to serve on the Hess Village Pedestrian Mall Authority for a term to expire 2000 November 30:

Alderman Ron Corsini
Alderman Andrea Horwath
Marion Challe
Robert Daniels
Doug Dore
John Goritsas
Janet Snelgrove

- (b) That the Commissioner, Department of Public Works and Traffic, be requested to provide a Staff person from the Department's Community Renewal Section, to attend the first meeting of the Hess Village Pedestrian Mall Authority following the appointment of new Members, to ensure that the Authority clearly understands its mandate and responsibilities as set out in the By-laws and An Act respecting the City of Hamilton which received Royal Assent on 1979 November 13, respecting the Hess Village Pedestrian Mall Authority; and,
- (c) That the application process for membership on the Hess Village Pedestrian Mall Authority not be subject to City Council's policy respecting the appointment of Citizen Members to City Committees, Local Boards and Commissions as adopted by City Council at its meeting held 1998 February 10, but that applications for membership on the Hess Village Pedestrian Mall Authority be solicited by written notice from the City Clerk to all property owners and tenants of the Hess Village Pedestrian Mall (George Street between Queen Street South and Hess Street South) and by a public notice in The Hamilton Spectator.

1998 June 30

Respectfully Submitted,

**Mayor R. M. Morrow
Chairman
Nominating Committee**

**J. J. Schatz, Secretary
1998 June 30**

REPORT OF THE COMMITTEE OF THE WHOLE

To the Council of the Corporation of the City of Hamilton

Members of Council:

The Committee of the Whole presents its **SEVENTEENTH** Report for 1998 and respectfully recommends:

1. (a) That the H.E.C.F.I. Board of Directors be authorized to pursue naming sponsorship for Hamilton Place Theatre as a mechanism to generate revenue; and
- (b) That H.E.C.F.I. be authorized to pursue appropriate sponsorship from a corporate/citizen candidate which reflects support through a partnership forged to sustain and enrich the City's cultural environment; and
- (c) That the Council of the Corporation of the City of Hamilton have final approval of such sponsorship.
2. That the City of Hamilton endorse the resolutions of the International Great Lakes St. Lawrence Mayors' Conference respecting "Great Lakes Water Quality Management", attached hereto as Appendix "A".
3. (a) That the condition provided in subsection 9(a)(v)(1) of the Planning & Development Committee adopted 1998 May 12, that the property taxes for 16 Harlowe Road be in good standing prior to approval of the final condominium plan, be waived subject to the following conditions:
 - (i) that 829030 Ontario Limited, its principal Gordon Albini, and their solicitor provide to the City their personal undertakings that the property taxes, penalty, interest & costs owed in respect of 16 Harlowe Road shall be paid on or before 1998 August 31 from the sale proceeds of the condominium units;
 - (ii) that 829030 Ontario Limited direct, in a form satisfactory to the City Solicitor, that closing funds payable in respect of the condominium units sales sufficient to pay the City's property taxes, penalty, interest & costs be made payable to the Corporation of the City of Hamilton;

- (b) That, in consideration of receipt of personal undertakings in respect of payment of the Cancellation Certificate and Closing Fund Directions, the City Treasurer be directed to register a Tax Arrears Cancellation Certificate on title to the lands at 16 Harlowe Road at such time as the Land Registrar so requires.

RESPECTFULLY SUBMITTED

**MAYOR ROBERT M. MORROW, CHAIRMAN
COMMITTEE OF THE WHOLE**

J. J. Schatz
Secretary
1998 June 30

minutes of Hamilton City Council

Tuesday, 1998 July 7

9:30 o'clock a.m.

Council Chamber, City Hall

The Council met:

Present: Mayor Morrow.

Aldermen Kiss, Caplan, Horwath, Corsini, Morelli, Haining, Wilson, Copps, Collins, Eisenberger, Jackson, Charters, Anderson, Kelly, D'Amico, O'Sullivan.

Mayor R. M. Morrow called the meeting to order.

CORRESPONDENCE

1. Letter dated 1998 June 23 from Isabella Brearley, Chair, Senior Citizens Council, respecting membership fees.

Referred to Parks and Recreation Committee.

2. Information Report dated 1998 July 3 from L. C. King, Building Commissioner, respecting demolition of 20 Ferrie Street West.

Received.

3. Application dated 1998 July 2 from Cornerstone Commercial Realty Corp., 11th floor, Commercial Union Tower, P. O. Box 153, Toronto Dominion Centre, Toronto, Ontario, for a modification to the established "E" (Multiple Dwellings) District (Block 1) and for a change in zoning from "E" (Multiple Dwellings) District to "C" (Urban Protected Residential, etc.) District (Block 2) - 334 East 14th Street, Hamilton, Ontario.

Received.

4. Application dated 1998 July 2 from Antonio Ramelli, 10 Derek Drive, Hamilton, Ontario, and Mukesh Patel, 72 Centennial Parkway, Stoney Creek, Ontario, for a change in zoning from "B-1" (Suburban Agricultural and Residential, etc.) District to "H" (Community Shopping and Commercial, etc.) District, modified - 535 and 537 Queenston Road, Hamilton, Ontario.

Received.

5. Application dated 1998 July 2 from 900074 Ontario Inc., c/o Gordon Albini, Setay Investments, 78 Queenston Road, Hamilton, Ontario, - Removal of the 'H' Holding Provision - 1451 to 1471 Upper James Street, Hamilton, Ontario.

Received.

6. Application dated 1998 July 2 from 1125814 Ontario Ltd. (Silvestri Investments), 1000-120 King Street West, Hamilton, Ontario, for a change in zoning from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District for Block "1", from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District, modified for Block "2", and from "AA" (Agricultural) District to "R-4" (Small Lot Single Family Detached) District, modified for Block "3" for lands located at the rear of 803, 819, 823, 865 and 871 West 5th Street; and Subdivision Application "Parkway Manor" for 58 lots for single detached dwellings and 6 blocks to be developed with the abutting lands and to establish 3 streets.

Received.

7. Letter dated July 2 from J. S. McDowell, Hamilton and District Chamber of Commerce, requesting space in City Hall to display Citizen of the Year Shield.

Referred to Finance and Administration Committee.

* * * * *

It was moved by Alderman Kiss and seconded by Alderman Caplan that Council move into Committee of the Whole to consider recommendation numbers 1-77 inclusive. The Council then went into Committee of the Whole on the recommendations with Mayor Morrow in the chair.

Recorded vote.

YEAS: Mayor Morrow, Aldermen Kiss, Caplan, Horwath, Corsini, Haining, Copps, Wilson, Eisenberger, Collins, Charters, Jackson, Anderson, Kelly, D'Amico, O'Sullivan. -16.

NAYS: -0.

CARRIED.

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It was moved by Alderman Kiss and seconded by Alderman Caplan that Rule No. 9 of the Procedural By-law be invoked for this meeting of City Council in order to permit consideration of matters not reported upon by the respective Committees.

* * * * *

Recommendation No. 5 Re: Parking Fees

Recorded vote:

YEAS: Mayor Morrow, Aldermen Kiss, Caplan, Horwath, Corsini, Haining, Copps, Wilson, Eisenberger, Collins, Charters, Jackson, Anderson, Kelly, O'Sullivan. -15.

NAYS: Alderman D'Amico. -1.

CARRIED.

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Recommendation No. 8 Re: Four-way Stop Control, Julian and Roxborough Avenues

It was moved by Alderman Wilson and seconded by Alderman Copps that Recommendation No. 8 be referred back to the Transport and Environment Committee. **CARRIED.**

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Recommendation No. 18 Re: Alcohol in Parks - Eastwood Arena/Park

Recorded vote.

YEAS: Mayor Morrow, Aldermen Kiss, Horwath, Corsini, Haining, Copps, Wilson, Eisenberger, Collins, Charters, Anderson, Kelly, D'Amico, O'Sullivan. -14.

NAYS: Alderman Jackson. -1.

CARRIED.

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Recommendation No. 19 Re: Alcohol in Parks - Mountain Arena

Recorded vote.

YEAS: Mayor Morrow, Aldermen Kiss, Horwath, Corsini, Haining, Copps, Wilson, Eisenberger, Collins, Charters, Anderson, Kelly, D'Amico, O'Sullivan. -14.

NAYS: Alderman Jackson. -1.

CARRIED.

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Recommendation No. 20 Re: Alcohol in Parks - Globe Park

Recorded vote.

YEAS: Mayor Morrow, Aldermen Kiss, Horwath, Corsini, Haining, Copps, Wilson, Eisenberger, Collins, Charters, Anderson, Kelly, D'Amico, O'Sullivan. -14.

NAYS: Alderman Jackson. -1.

CARRIED.

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Recommendation No. 27 Re: Licence Agreement - Hamilton Tennis Club and Rosedale Tennis Club

It was moved by Alderman Wilson and seconded by Alderman Copps that Recommendation No. 27 be referred back to the Parks and Recreation Committee. **CARRIED.**

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Recommendation No. 30 Re: Planning Tariff Fees

It was moved by Alderman D'Amico and seconded by Alderman Charters that Recommendation No. 30 be tabled. **CARRIED.**

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Recommendation No. 36(d) Re: Bill C-95 - A By-law to Adopt Official Plan Amendment No. 151 re Rental Housing Stock

Recorded vote:

YEAS: Mayor Morrow, Aldermen Kiss, Horwath, Corsini, Haining, Copps, Wilson, Eisenberger, Collins, Charters, Jackson, Anderson, Kelly, O'Sullivan. -14.

NAYS: Alderman D'Amico. -1. **CARRIED.**

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Recommendation No. 41 Re: Utility Arrears - Rosedale Tennis Club

It was moved by Alderman Eisenberger and seconded by Alderman Wilson that Recommendation No. 41 be referred to the Finance and Administration Committee. **CARRIED.**

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Recommendation No. 46(c) Re: Election System - Global Election Systems

It was moved by Alderman Eisenberger and seconded by Alderman Collins that Recommendation No. 46 be amended by adding the following as subsection (c):

"(c) That staff meet with ward Aldermen on the issue of the number and location of polling stations per ward and report back to the Finance and Administration Committee." **CARRIED.**

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Recorded vote on No. 46 as amended:

YEAS: Mayor Morrow, Aldermen Corsini, Copps, Wilson, Eisenberger, Collins, Charters, Jackson, Kelly, O'Sullivan. -10.

NAYS: Aldermen Kiss, Horwath, Morelli, Haining, Anderson, D'Amico. -6. **CARRIED.**

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Recommendation No. 47 Re: Authorization to Attend 1998 Annual Conference of AMO

It was moved by Alderman Wilson and seconded by Alderman Charters that Recommendation No. 47 be amended to add the words "up to seven (7)" before the word delegate re: AMO Conference 1998. **CARRIED.**

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Recommendation No. 49 Re: Hydro Electrical Deregulation

It was moved by Alderman Charters and seconded by Alderman Jackson that Recommendation No. 49 be amended by adding Sub-section (e) as follows:

"(e) That staff be directed to prepare a report on Hydro Electrical deregulation and the role of the City of Hamilton for the consideration of the Finance and Administration Committee." **CARRIED.**

* * * * *

Recommendation No. 51 Re: Council Chamber Renovations

It was moved by Alderman Wilson and seconded by Alderman Charters that the proposal regarding the Council Chamber renovations as presented by Ross Fair, Director of Culture and Recreation, and attached hereto as Appendix "I", be approved. **CARRIED.**

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Recommendation No. 55 Re: Property Appraisers

It was moved by Alderman Eisenberger and seconded by Alderman D'Amico that Recommendation No. 55 regarding "property appraisers" be deferred to the next meeting of Council. **DEFEATED.**

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Recommendation No. 55 Re: Property Appraisers

It was moved by Alderman Wilson and seconded by Alderman O'Sullivan that Recommendation No. 55(b) be amended by deleting the titles "Chief Appraiser" and "Chief Property Officer" and substituting them with "Appraiser Co-ordinator" and "Property Co-ordinator" respectively, inlieu thereof. **CARRIED.**

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Recommendation No. 70 Re: City Initiative to Remove Charity Gaming Casinos

It was moved by Alderman Copps and seconded by Alderman D'Amico the following be added as Recommendation No. 70:

70. That the staff of the Planning and Development Department be directed to undertake a City Initiative to remove Charity Gaming Casinos as a permitted use in the Zoning By-law. **CARRIED.**

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Recommendation No. 71 Re: Annual Greater Hamilton Aquafest

It was moved by Alderman Horwath and seconded by Alderman Corsini that the following be added as Recommendation 71:

That the application of A. Bradford, agent for the Regional Municipality of Hamilton-Wentworth, Economic and Development (No. 1 James Street South) to temporarily close the following City streets from Thursday, 1998 July 16 at 5:00 o'clock p.m. to Sunday, 1998 July 19 at 10:00 o'clock p.m.:

Strachan Street West from James Street to Bay Street
Marsh Street from Simcoe Street to southerly limit
Simcoe Street West from MacNab Street to westerly limit
Ferrie Street West from James Street to Nichol Street
Nichol Street from Ferrie Street to Picton Street
Picton Street West from James Street to westerly limit
Macauley Street West from James Street to Bay Street
Wood Street West from James Street to Bay Street
Burlington Street West from James Street to Bay Street
Guise Street from James Street to Bay Street
Leander Drive from Guise Street to westerly limit
Bay Street North from Strachan Street to Guise Street
MacNab Street North from Strachan Street to Guise Street

for the annual Greater Hamilton Aquafest be approved provided:

- (a) That the prior approval of the Chief of Police or his designate be received and that such permits or authorizations as may be required by the Chief of Police or his designate be obtained; and,

- (b) That the applicant provide proof of \$2,000,000 public liability insurance naming the City of Hamilton and the Region as an added insured party, with a provision for cross liability and holding the City of Hamilton and the Region harmless from all actions, causes of action, interest, claims, demands, costs, damages, expenses and loss; and,
- (c) That all barricading, detour signing and traffic control be subject to direction of the Chief of Police or his designate; and,
- (d) That all barricading be supplied by and at the expense of the applicant; and,
- (e) That "Temporary Road Closure" signs be installed in advance by the Department of Public Works and Traffic on the affected roadways, if deemed necessary by the Commissioner of Public Works and Traffic, at the expense of the applicant; and,
- (f) That the applicant ensure that clean up operations be carried out immediately before the re-opening of the roads to the satisfaction of the Commissioner of Transportation and at the expense of the event organizer; and,
- (g) That no property owner or resident within the barricaded area be denied access to their property upon request; and,
- (h) That all property owners and tenants along the closed portion of the route be notified of the event by the applicant prior to the event in a form acceptable to the Commissioner of Transportation.
- (i) That the Hamilton-Wentworth Regional police and City of Hamilton By-law Enforcement/Parking Control staff enforce the 'Permit Parking' regulation, (under Section 33a, subsection 12, of the City Traffic By-law No. 89-72), temporarily in effect on the aforesaid City streets; and,
- (j) That following this years events, staff will organize a public neighbourhood meeting chaired by the Chairman of the Transport and Environment Committee with local residents, event organizers and staff to discuss impacts and possible improvements special events have on the residential streets surrounding Bayfront and Pier 4 Parks; and,
- (k) That the City Traffic By-law No. 89-72 be amended accordingly; and,

- (l) That the following Bill be added, signed, sealed and enrolled as a By-law:

A-58 A By-law to Amend By-law No. 89-72 to Regulate Traffic.

CARRIED.

* * * * *

Recommendation No. 72 Re: East Hamilton Soccer Association

It was moved by Alderman Collins and seconded by Alderman Eisenberger that the following be added as Recommendation 72:

72. That one thousand dollars be granted to the East Hamilton Soccer Association, and that the funds be taken from the remaining grant monies. **CARRIED.**

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Recommendation No. 73 Re: 'Permit Parking' Regulation

It was moved by Alderman Corsini and seconded by Alderman Horwath that the following be added as Recommendation 73:

73. (a) That a 'Permit Parking' regulation be implemented on the east side of John Street North commencing at a point 85 feet north of Strachan Street East and extending to a point 20 feet northerly therefrom and that the City Traffic By-law 89-72 be amended accordingly; and,
- (b) That the Commissioner of Public Works and Traffic be authorized to issue one parking permit to Mr. Domenico Pirruccio (spelling according to phone book), 350 John Street North; and,
- (c) That the following Bill be adopted, signed, sealed and enrolled as a By-law:
- (a) A-57 A By-law to Amend Traffic By-law No. 89-72 to Regulate Traffic **CARRIED.**

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Recommendation No. 74 Re: Statement of Claim, The Canada Marine Act-Hamilton Port Authority

It was moved by Alderman Charters and seconded by Alderman Wilson that the following be added as Recommendation No. 74:

74. (a) That the City of Hamilton authorize the commencement of an action in substance for relief set out in the draft Statement of Claim, with respect to The Canada Marine Act-Hamilton Port Authority, in a form satisfactory to the City Solicitor; and,
- (b) That the City Solicitor report back to the 1998 September meeting of the Committee of the Whole on the status and progress of the Claim.

*Alderman Copps declared an interest in this matter inasmuch as her daughter, The Honourable Sheila Copps, is involved in the Hamilton Harbour issues and refrained from taking part in discussions and voting.

It was subsequently moved by Alderman Eisenberger and seconded by Alderman Corsini that the motion of Alderman Charters regarding the Harbour Commissioners Statement of Claim be referred to a special meeting of City Council. **LOST.**

Motion of Alderman Charters was subsequently voted on and carried.

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Recommendation No. 75 Re: Provincial Downloading and Transfer Payments

It was moved by Alderman Anderson and seconded by Alderman Wilson that the following be added as Recommendation No. 75:

75. That a letter be forwarded to the Province respecting the following items relating to provincial downloading and transfer payments:
 - (a) Confirmation of impact of recent regulations with respect to payment-in-lieu; and,
 - (b) Clarification as to how this impact relates to the Provincial position of revenue neutrality; and,

- (c) That the Province be requested to reverse this decision or provide a grant to offset the approximate additional \$1 million revenue loss as a result of the payment-in-lieu regulations. **CARRIED.**

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Recommendation No. 76 Re: Recruitment of CAO and Division Heads

76. (a) That for the purpose of the consolidation of the Regional and City Administrations, a Selection Committee composed of the Mayor, the Regional Chairman and the Chairmen of the City and Regional Standing Committees be established to recommend the appointment of Division Heads for the combined administration; and,
- (b) That the mandate of the Chief Administrative Officer Selection Committee, as previously approved by both Councils, be reconfirmed. **CARRIED.**

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Recommendation No. 77 Re: Fire Department Vacancies

77. (a) That the Fire Chief be authorized to proceed immediately to fill eight (8) of the currently vacant positions within the Fire Department.
- (b) That the Fire Chief be authorized and directed to establish a pool of trained firefighters in order that future vacancies can be filled within a timely fashion as they occur.
- (c) That the Fire Chief report back within one month with respect to any issues of safety relative to the staffing complement of the Department including a detailing of the number and circumstances of instances of safety, if any. In addition, the report is to contain specifics relative to how the Hamilton Fire Department compares to other fire departments. **CARRIED.**

* * * * *

1998 July 7

It was moved by Alderman Kiss and seconded by Alderman Haining that the Report of the Committee of the Whole on the recommendations, be adopted.

Recorded vote.

YEAS: Mayor Morrow, Aldermen Kiss, Horwath, Corsini, Haining, Wilson, Charters, Jackson, Anderson, Kelly, D'Amico, O'Sullivan. -12.

NAYS: -0.

CARRIED.

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ACTING MAYOR FOR THE MONTH OF AUGUST, 1998

It was moved by Alderman Kiss and seconded by Alderman Haining that Alderman C. Collins be appointed Acting Mayor for the month of August, 1998. **CARRIED.**

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City Council recessed at 12:45 p.m. and reconvened in formal session at 4:00 p.m.

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City Council then adjourned at 4:15 o'clock a.m.

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Taken as read and approved.

MAYOR R. M. MORROW

J. J. Schatz
City Clerk
1998 July 7

To the Council of the Corporation of the City of Hamilton

Members of Council:

The following recommendations are presented for consideration:

1. That the existing "Permit Parking" regulation on the south side of Cumberland Avenue commencing at a point 145 feet west of the extended west curb line of Norway Avenue and extending to a point 21 feet westerly therefrom be removed, and that the City Traffic By-law No. 89-72 be amended accordingly.
2. That the existing "Alternate Side Parking" regulation on Emerald Street North between Wilson Street and Cannon Street East be replaced with a "No Parking" regulation on the east side and unrestricted parking on the west side of the street in this block, and that the City Traffic By-law No. 89-72 be amended accordingly.
3.
 - (a) That a "Permit Parking" regulation be implemented on the north side of Clinton Street commencing at a point 140 feet east of Barnesdale Avenue North and extending to a point 19 feet easterly therefrom, and that the City Traffic By-law No. 89-72 be amended accordingly; and,
 - (b) That the Commissioner of Public Works and Traffic be authorized to issue one parking permit to Mrs. Elizabeth Green, No. 83 Clinton Street.
4.
 - (a) That a "Permit Parking" regulation be implemented on the east side of Fairfield Avenue North commencing at a point 127 feet south of Barton Street East and extending to a point 20 feet southerly therefrom, and that the City Traffic By-law No. 89-72 be amended accordingly; and,
 - (b) That the Commissioner of Public Works and Traffic be authorized to issue one parking permit to Mr. Victor Gilmour, No. 294 Fairfield Avenue North.
5.
 - (a) That the monthly fee for on-street "Permit Parking" and "Time Limit Exemption" parking permits be increased from \$2 per month (established in 1977) to \$3 per month effective 1998 June 1; and,
 - (b) That the City Traffic By-law No. 89-72 be amended accordingly; and,

- (c) That the increase in parking permit fee revenues be considered by the Committee of the Whole as a component in the 1998 Department current budget reductions.

Recorded vote:

YEAS: Mayor Morrow, Aldermen Kiss, Caplan, Horwath, Corsini, Haining, Copps, Wilson, Eisenberger, Collins, Charters, Jackson, Anderson, Kelly, O'Sullivan. -15.

NAYS: Alderman D'Amico. -1.

CARRIED.

6. That all-way stop control be implemented at the intersection of Ambrose Avenue and Veevers Drive, and that the City Traffic By-law No. 89-72 be amended accordingly.

7. That northbound traffic on Fano Drive (west leg) be required to stop for eastbound and westbound traffic on Supreme Drive, and that the City Traffic By-law No. 89-72 be amended accordingly.

8. That no action be taken on the request for four-way stop control at the intersection of Julian Avenue and Roxborough Avenue.

REFERRED BACK TO TRANSPORT AND ENVIRONMENT COMMITTEE.

9. (a) That former Municipal Carpark 12B (90 Kinrade Avenue) be removed from the list of surplus properties; and,

- (b) That staff report back after circulating to all City and Regional Departments for municipal interest, with a recommendation on whether or not Municipal Carpark 12A (153 Sherman Avenue North) can be designated as surplus and offered for sale.

10. That a "School Bus Loading Zone, 7:00 a.m. to 6:00 p.m., Monday to Saturday" regulation be implemented on the south side of Cumberland Avenue commencing at a point 47 feet west of the west curb line of Prospect Avenue and extending 296 feet westerly, and that the City Traffic By-law No. 89-72 be amended accordingly.

11. (a) That a School Crossing Guard be assigned to the intersection of Barton Street East and Lottridge Street during the morning and evening school crossing periods only; and,

(b) That consideration be given in the 1999 Current Budget deliberations for an expansion package of \$4,000 plus administrative costs for a School Crossing Guard at this location on a permanent basis.
12. That bicycles be permitted to travel westerly on the one-way portion of Cline Avenue North from King Street West to 180 feet westerly, and that By-law No. 89-72 be amended accordingly.
13. That the six month trial project of having Parking Control Officers enforce, in conjunction with the Hamilton-Wentworth Regional Police, Traffic By-law regulations other than parking and stopping, be extended an additional six months.
14. (a) That the submitted schedules of works be approved for inclusion in the Subdivision Agreement with the Owner for the estimated costs of services in:

"Olmsted Park - Phase 1", Hamilton

City's Share - \$ 34,827.00, Owner's Share - \$ 150,610.00

"Allison Estates - Phase 5", Hamilton

City's share \$ 111,830.81, Owner's share \$ 90,583.27

"Allison Estates - Phase 6", Hamilton

City's share \$ 12,547.38, Owner's share \$ 120,293.83; and,

- (b) That the Mayor and City Clerk be authorized and directed to execute the proposed Subdivision Agreements with the Owner of "Olmsted Park - Phase 1", Hamilton, "Allison Estates - Phase 5", Hamilton and "Allison Estates - Phase 6", Hamilton, as well as any other related documents for these subdivisions subject to the approval of the City Solicitor; and,
- (c) That the approval of the above-noted clauses be subject to the condition that no work be commenced until the Final Plan and Subdivision Agreement has been registered; and,

- (d) That in the event that the Owner wishes to proceed prior to the registration of the Final Plan and Subdivision Agreement being registered, they should be allowed to do so at their own risk provided that they enter into a standard agreement with the City of Hamilton for pre-servicing; and,
 - (e) That a portion of the City's share of services in "Olmsted Park - Phase 1" subdivision at an estimated amount of \$ 34,158.49, be financed from the remaining funds in the Reserve For Development Charges Account Centre No. CH00212; and,
 - (f) That the remainder of the City's share of services in "Olmsted Park - Phase 1" at an estimated amount of \$668.51 as well as the City's share of services in "Allison Estates - Phase 5" subdivision, at an estimated amount of \$111,830.81, and the City's share of services in "Allison Estates - Phase 6" subdivision, at an estimated amount of \$12,547.38, be financed from the Reserve for Services Through Unsubdivided Lands Account Centre No. CH00203.
15. That the application of the International Village B.I.A. to temporarily close Ferguson Avenue North between King Street East and King William Street from Friday 1998 September 4 at 12:00 o'clock noon to Sunday 1998 September 6 at 6:00 o'clock p.m., to hold the first annual Mustard Festival, be approved, subject to the following conditions:
- (a) That the prior approval of the Chief of Police or his designate be received and that such permits or authorizations as may be required by the Chief of Police or his designate be obtained; and,
 - (b) That the applicant provide proof of \$5,000,000 public liability insurance naming the Region and the City of Hamilton as an added insured party, with a provision for cross liability and holding the Region and the City of Hamilton harmless from all actions, causes of action, interest, claims, demands, costs, damages, expenses and loss; and,
 - (c) That all barricading, detour signing and traffic control be subject to the direction of the Chief of Police or his designate; and,
 - (d) That all barricading be supplied by and at the expense of the applicant; and,
 - (e) That "Temporary Road Closure" signs be installed in advance by the Department of Public Works and Traffic on the affected roadways, if deemed necessary by the Commissioner of Public Works and Traffic at the expense of the event organizer; and,

- (f) That the applicant ensure that clean up operations be carried out immediately before the re-opening of the roads to the satisfaction of the Commissioner of Transportation and at the expense of the event organizer; and,
 - (g) That no property owner or resident within the barricaded area be denied access to their property upon request; and,
 - (h) That all property owners and tenants along the closed portion of the route be notified of the event by the applicant prior to the event in a form acceptable to the City Engineer.
16. That the appropriate By-law to amend By-law No. 10605 respecting local improvement charges for the construction of roads, curbs, sidewalks and alleys be enacted by City Council.
17. That the following Bills be adopted, signed, sealed and enrolled as By-laws:
- (a) A-53 A By-law to Amend Traffic By-law No. 89-72 to Regulate Traffic
 - (b) A-54 A By-law to Amend Traffic By-law No. 89-72 to Regulate Traffic
 - (c) A-55 A By-law to Amend Traffic By-law No. 89-72 to Regulate Traffic
 - (d) A-56 A By-law to Revise Costs to the Corporation for the Installation of Local Improvements
18. (a) That approval, as required by Parks By-law No. 95-126 as amended, Section 11 and Section 37, to sell alcoholic beverages and to park vehicles in a park and to charge \$5 to park vehicles in a park, be granted to the Hamilton Cultural and Ethnic Mosaic Association to host Kaleidoscope Festival and midway rides in Eastwood Arena and Eastwood Park from 1998 August 21 and August 22 from 12 o'clock noon to 10:30 o'clock p.m. subject to the Standard Terms and Conditions of the Special Event Guidelines; and,
- (b) That the Kaleidoscope Festival be held on the condition that the Standard Terms and Conditions of the Special Event Guidelines are met, including but not limited to a detailed festival plan and financial capabilities and a method of repayment to outstanding creditors thirty (30) days prior to the festival date.

Recorded vote.

YEAS: Mayor Morrow, Aldermen Kiss, Horwath, Corsini, Haining, Copps, Wilson, Eisenberger, Collins, Charters, Anderson, Kelly, D'Amico, O'Sullivan. -14.

NAYS: Alderman Jackson. -1.

CARRIED.

19. (a) That approval as required by Parks By-law No. 95-126 as amended, Section 11, to sell alcoholic beverages in a park, be given to Panagia Greek Orthodox Church on the occasion of the annual Greek Festival in Mountain Arena, on 1998 August 22 and August 23 from 11:00 o'clock a.m. to 12:00 o'clock midnight, subject to the Standard Terms and Conditions of the Special Events Guidelines; and,
- (b) That the AGCO be notified that the City of Hamilton is aware of the event and has no objection to the issuance of a festival permit in as much as this is a Community Festival of Municipal Significance.

Recorded vote.

YEAS: Mayor Morrow, Aldermen Kiss, Horwath, Corsini, Haining, Copps, Wilson, Eisenberger, Collins, Charters, Anderson, Kelly, D'Amico, O'Sullivan. -14.

NAYS: Alderman Jackson. -1.

CARRIED.

20. That approval as required by Parks By-law No. 95-126, as amended, Section 11, and under the Standard Terms and Conditions of the Special Events Guidelines, be given to the Hostess Frito-Lay Company to allow the serving of alcohol at Globe Park on 1998 August 21st and August 22nd.

Recorded vote.

YEAS: Mayor Morrow, Aldermen Kiss, Horwath, Corsini, Haining, Copps, Wilson, Eisenberger, Collins, Charters, Anderson, Kelly, D'Amico, O'Sullivan. -14.

NAYS: Alderman Jackson. -1.

CARRIED.

21. That the report from the Director of Culture and Recreation dated 1998 June 29 respecting the "1998 User Fee Increases - Seniors Centre Memberships", be received.
22.
 - (a) That approval be granted to enter into a contract between Mr. Walter Swierd and the City of Hamilton, in a form satisfactory to the City Solicitor for a period of 5 ½ months, with the option to renew for a period of one year at the City's discretion, effective 1998 July 15 and expiring 1998 December 31, for the provision of Chief Cook services at Sackville Seniors Centre, at an annual salary of \$26,000, based upon a 35 hour work week, and to be completed according to the Employment Standards Act; and,
 - (b) That no benefits be paid for the period of 5 ½ months, but upon renewal, benefits be afforded to the contract.
23.
 - (a) That two Rink Attendant I positions be deleted from the Culture and Recreation Department and be replaced with two Rink Attendant I/Chief Operator positions; and
 - (b) That job documentation for the Rink Attendant I/Chief Operator position be forwarded to Human resources for salary classification.
24.
 - (a) That approval be given to issue a Purchase Order to J.D. Strachan Construction Limited, of King City, Ontario as the General Contractor to undertake the Barrier Free Design Modifications and New Heating System work in the Hamilton Museum of Steam and Technology; and,
 - (b) The Purchase Order amount will be Five Hundred and Eighty One Thousand and Five Hundred and Eighty Dollars (\$ 581,580.00) plus the Applicable GST of Forty Three Thousand Seven Hundred and Twenty (\$ 43,720). The Purchase Order will also include the amount of Thirty Eight Thousand (\$ 38,000) including GST of construction contingencies and Allowances as stipulated in the Tender Documents; and,
 - (c) That the Purchase Order number 34016 issued previously to Edwin Rowse Architect Ltd. be increased by Twenty Four Thousand Dollars (\$ 24,000) for the design and contract administration professional fees for the new heating system for the museum; and,

- (d) That the work be financed from Steam Museum Pumphouse Restoration, CF 719241003, Barrier Free Access - Rec. Bldgs (M1610103), CF 809453003, Hamilton Steam and Technology Museum-Operational Improvements, CF 719841057 and Restore Steam Museum, CF 718941001; and,
 - (e) That a contract satisfactory to the City Solicitor be entered into between the City and the General Contractor; and,
 - (f) That the Mayor and City Clerk be authorized to execute the contract on behalf of the City; and,
 - (g) That the Director of Culture and Recreation be authorized to expend a project contingency of \$86,700.00 for work as stipulated in the Tender Documents as separate prices based on priorities determined by their impact on the operations of the museum and other unexpected work, if any required. This amount is not included in the Purchase Order issued to Contractor.
25. That the Capital project No. CR-97-009 Scott Park Arena approved by City Council on 1997 March 18, in the amount of \$60,000 to construct a single changeroom addition to the exterior of Scott Park Arena be abandoned and the funds in the amount of \$53,303 remaining be returned for reallocation.
26. That the Minister of Citizenship, Culture and Recreation be advised that the City of Hamilton will not be submitting bids to host either the 2000 Ontario Summer Games or the 2000 Ontario Winter Games.
27. (a) That approval be granted to the Director of Culture and Recreation to enter into Licence Agreements, in a form acceptable to the City Solicitor, with both the Hamilton Tennis Club and Rosedale Tennis Club; and,
- (b) That each Licence Agreement contain the following terms and conditions:
- (i) Term commences 1998 August and terminates 2008 July 31
 - (ii) The Club shall pay the cost of the following services or items:
 - (1) Hydro electric power and natural gas
 - (2) Maintenance of tennis court surfaces
 - (3) Cleaning and caretaking of the clubhouse

- (iii) The Club shall hold free tennis clinics for junior players
- (iv) The Club should provide 235 hours of daytime tennis court time per year for use of schools or for use by the City for junior players; and,
- (c) That the City consents to the Rosedale Tennis Club entering into a sub-licence for the sole purpose of operating the facility during the winter tennis season; and,
- (d) That the City Solicitor be authorized and directed to prepare the necessary documents; and,
- (e) That the amount of \$11,900 representing utility costs owing by the Rosedale Tennis Club from 1984 be forgiven; and,
- (f) That the City take no further action to recover the \$100,000 owing under the leaseback arrangement for the "bubble" which was installed at the Rosedale Tennis Club; and,
- (g) That the Finance and Administration Committee be requested to recommend the method of financing the amounts forgiven for utility arrears and amounts owing under the loan/leaseback agreement.

REFERRED BACK TO PARKS AND RECREATION COMMITTEE.

- 28. That in respect of the temporary drainage easement granted to the City by Chedoke Health Corporation on 1992 February 26 (Instrument No. 112390) for drainage of the Twin Pad Arena site on Chedmac Drive, that the Mayor and City Clerk be authorized and directed to execute a release of that part of the said temporary drainage easement which is not required for drainage purposes over that portion of land described as part of Parcel 217-1, Section W575(C), Plan 846 (PIN 17036-0174), which is being sold by Chedoke Health Corporation to Starward Homes Limited.
- 29. That the Alexander Park Minor Sports Inc. be permitted to install a plaque in Alexander Park dedicated to the memory of Joseph Cheeseman.
- 30. (a) That the proposed Planning Tariff fees for planning applications, as contained in Appendix "A" be approved; and,

- (b) That the City Solicitor be directed to further amend By-law 97-084 to incorporate the new fee structure; and,
 - (c) The union position deleted by Committee of the Whole, at its meeting of June 16, 1998 be reinstated based on the anticipated workloads and because the budget requirement to be met by the Planning and Development Committee will be offset by the \$55,015 increase in planning fees. **TABLED.**
31. (a) That the Director of Culture and Recreation be authorized to proceed with repairs to the damaged roof at St. Marks Church with costs estimated to be \$35,000; and,
- (b) That the costs of this work be charged to the Reserve for Uninsured Losses on the understanding that this account will be reimbursed via an insurance claim against the owner of 136 Bay Street South; and,
- (c) That the Director of Planning and Development and Director of Culture and Recreation be authorized to develop a draft Expressions of Interest to determine if there exists the potential for public/private use of the building and grounds for the consideration of the Planning and Development Committee at its meeting in September, 1998.
32. That the Mayor and City Clerk be authorized and directed to execute documents in a form satisfactory to the City Solicitor in respect of the following matters:
- (a) that the City release and discharge the Downtown Eaton Centre Development Agreement dated 1987 March 31 entered into with Eaton Properties Limited and Cadillac Fairview Corporation Limited; and,
 - (b) that in respect of three ongoing Agreements listed below entered into by Eatons with the City and other parties, that the City confirm that the said three agreements are in good standing at this time and that the City provide its consent to the conditional assignment of these Agreements to Eaton's secured lender, namely Norwest Financial Capital Canada, Inc., provided the assignee enters into an assumption agreement with the City:

- (i) Bridge Operating Agreement - between The Cadillac Fairview Corporation Limited and Eaton Properties Limited (now The T. Eaton Company Limited) and the City dated June 30, 1989 regarding the pedestrian bridge above York Boulevard between the York Street Parkade and Eatons; and,
 - (ii) Bridge Agreement - among the Region, The Cadillac Fairview Corporation Limited, Eaton Properties Limited (now The T. Eaton Company Limited) and the City dated November 9, 1988 and registered December 19, 1988 as Instrument No. VM 242450 (permission to situate bridge upon City parkade and across Region's York Boulevard); and,
 - (iii) Truck Tunnel Agreement - between Eaton Properties Limited (now The T. Eaton Company Limited) and the City dated May 22, 1992 and registered June 11, 1992 as Instrument No. VM 122493, being the terms of Eaton's use of MacNab Street Truck Tunnel.
33. That the Building Commissioner be authorized to issue a demolition permit for the single family dwelling located at 20 Ferrie Street West in accordance with Demolition Control By-Law 74-290 pursuant to the Demolition Control provisions of the Planning Act (Section 33), subject to the following condition:
- That the applicant apply for and receive a building permit to replace the single family dwelling and that the construction of the new single family dwelling be substantially completed within two (2) years of the date of the issuance of the building permit.
34. That the Building Commissioner be authorized to issue a demolition permit for 710 Dunn Avenue in accordance with By-Law 74-290 pursuant to Section 33 of The Planning Act, as amended.

35. (a) That approval be given to Part Lot Control Application 98-05, Frisina Construction Company Limited, owner, to remove part-lot control for Block 140, Registered Plan 62M-679 ("Rymal Estates") and Block 27, Registered Plan 750 ("Paradise Gates Estates, Phase 1"), to permit the subdivision of Blocks 140 and Block 27 into 6 lots for single detached dwellings, as shown on the attached map marked as APPENDIX "B"; and,
- (b) That the by-law to remove part lot control from Block 140, Registered Plan 62M-679 and Block 27, Registered Plan 750 plan of subdivision, be enacted by Council; and,
- (c) That the exempting by-law be restricted to a 1 year effective time period to expire on July 1, 1999; and,
- (d) That following the enactment of this by-law, the Commissioner, Regional Environment Department (as delegate of the Minister of Municipal Affairs and Housing) be requested to grant approval to the by-law and endorse the same on the by-law; and,
- (e) That the by-law not be forwarded to the Commissioner, Regional Environment Department until such time as the applicant has entered into a Modified Subdivision Agreement with the City of Hamilton.
36. That the following Bills be adopted, signed, sealed and enrolled as By-laws:
- (a) C-92 A By-law to Remove Land within the "Rymal Estates" Subdivision, Plan 62M-679 and "Paradise Gates Estates, Phase 1" Subdivision, Plan 62M-750 from Part Lot Control.
- (b) C-93 A By-law to Amend Zoning By-law No. 6593 Respecting Lands Located on the East side of Hughson Street North, North of Wilson Street and Know Municipally as 41 and 51 Wilson Street and 99 John Street North.
- (c) C-94 A By-law to Amend Zoning By-law No. 6593 Respecting Lands Located North of Stone Church Road West, West of West Fifth Street at the South End of Annabelle Street.
- (d) C-95 A By-law to Adopt Official Plan Amendment No. 151 Respecting Protection of the Rental Housing Stock within the City of Hamilton.

Recorded vote on 36(d):

YEAS: Mayor Morrow, Aldermen Kiss, Horwath, Corsini, Haining, Copps, Wilson, Eisenberger, Collins, Charters, Jackson, Anderson, Kelly, O'Sullivan. -14.

NAYS: Alderman D'Amico. -1.

CARRIED.

37. (a) That the City Treasurer be authorized to finalize internal financing arrangements in the total amount of \$9,000,000 through a transfer of funds from the Reserve for Replacement of Mobile Equipment, Account Centre No. CH 00101 to the various work-in-progress accounts as outlined in Appendix "C" attached hereto, to be repayable over a period of five years based on a 5 year Canada Bond Rate as at June 8, 1998 plus 25 basis points (5.44%); and,
- (b) That the City Treasurer be authorized to repay the annual principal and interest charges out of the Current Budget Provision for Capital Financing, Account Centre No. CH 21102 by crediting the Reserve for Replacement of Mobile Equipment, Account Centre No. CH 00101; and,
- (c) That the City Solicitor be authorized to revise the appropriate by-law for each capital project, noted in Appendix "C" (attached), to reflect a reduction in the corresponding debenture authority by the amount of reserve transfer noted in Appendix "C", column (11); and,
- (d) That the attached Appendix "D" form part of the internal financing arrangement schedule, noted above in the amount of \$9,000,000.
38. (a) That the City of Hamilton continue banking arrangements on a month-to-month basis with the Canadian Imperial Bank of Commerce upon expiration of the current banking contract on 1998 October 18; and,
- (b) That the City of Hamilton be authorized to participate in a joint Request for Proposals for banking services with the Regional Municipality of Hamilton Wentworth.

39. (a) That the firm of MacGillivray Partners, Chartered Accountants, be continued as municipal auditor for the City of Hamilton, including its Local Boards, Hamilton Entertainment and Convention Facilities Inc., Hamilton Hydro Electric System, Canusa Games, the Canadian Football Hall of Fame and Museum, Hamilton Housing Company Limited, The Municipal Non-Profit (Hamilton) Housing Corporation, Hamilton Municipal Retirement Fund, The Hamilton and Scourge Foundation, Inc., and all of the Boards of Management for the Business Improvement Areas within the City of Hamilton for the year 1998 at a fee of \$114,665 including completion of the audit of the City's Financial Report, but excluding G.S.T.; and,
- (b) That the By-law respecting "To Appoint An External Auditor" be approved by City Council.
40. That the cost of securing the service of a Forensic Building Construction Auditing Firm to review the construction and current state of the Chedoke Twin Pad Arena in the amount of \$20,000 be charged to Account Centre No. CF709841055, Chedoke Twin Pad Arena - Remedial and Operational Improvements.
41. That an amount of \$11,900 representing utility arrears owing by the Rosedale Tennis Club from 1984 be written off and charged to Account No. CH 15401, Write Offs.
REFERRED TO FINANCE AND ADMINISTRATION COMMITTEE.
42. (a) That the City be authorized to enter into Extension Agreements, if required, in a form satisfactory to the City Solicitor and the City Treasurer pursuant to Section 8 of the Municipal Tax Sales Act, with the owners as outlined in Appendix "E" to extend the time open for payment of realty tax arrears in accordance with the policy for extension agreements approved by City Council on June 28, 1994; and,
- (b) That the attached by-law to authorize the said Extension Agreements be enacted by Council; and,
- (c) That the Mayor and City Clerk be authorized to execute the aforesaid by-law and extension agreements.
43. (a) That the Hamilton Municipal Retirement Fund be amended to allow post retirement spouses to be entitled to widow/widower benefits; and,

- (b) That the rate of contributions be lowered to 5% on contributory earnings up to the Years Maximum Pensionable Earnings (Y.M.P.E.) and 6.5% on earnings above the Y.M.P.E. retroactive to 1998 January 1; and,
 - (c) That the Hamilton Municipal Retirement Fund pensioners be offered the opportunity to re-elect a joint and survivor benefit of 50% or 60%; and,
 - (d) That the pensioner and the Hamilton Municipal Retirement Fund, on the basis of the previous offering, share the cost for the re-election.
- 44.
- (a) That the City of Hamilton again recommend the Province of Ontario implement a Provincial contingency fund which is wholly self-funded by the recycling and waste handling industry through levies or some other similar mechanism (similar to the Workers Safety and Insurance Board - previously the WCB); and,
 - (b) That the Province of Ontario review the minimum fine of \$5,000 proposed for the Fire Protection and Prevention Act and increase said amount in order to ensure a greater level of deterrence; and,
 - (c) That the Fire Marshal be requested to seek responses and participation in the implementation strategy immediately from Cities in the Province and the Association of Municipalities of Ontario; and,
 - (d) That the issues and suggestions in Appendix "F" attached hereto and the recommendations of the City's Plastimet Project Team in Appendix "G" attached hereto be forwarded to the Office of the Fire Marshal.
45. That the By-law to Reduce Approved Debenture Amounts be enacted by Council.
- 46.
- (a) That a Purchase Order be issued to Global Election Systems of Vancouver, British Columbia, in the amount of \$596,965, inclusive of all applicable taxes, for the supply of 90 Optical Scanning Poll Level Ballot Tabulators; and,

- (b) That \$550,000 of the acquisition costs be funded from Capital Budget Account No. CF129851030 as approved in the City's 1998-2007 Capital Budget, and that the remaining \$46,965 be funded from the City's Election Reserve Account Centre No. CH 00123.
- (c) That staff meet with ward Aldermen on the issue of the number and location of polling stations per ward and report back to the Finance and Administration Committee. **ADDED.**

Recorded vote on Section 46 as amended.

YEAS: Mayor Morrow, Aldermen Corsini, Copps, Wilson, Eisenberger, Collins, Charters, Jackson, Kelly, O'Sullivan. -10.

NAYS: Aldermen Kiss, Horwath, Morelli, Haining, Anderson, O'Sullivan. -6. **CARRIED.**

- 47. That approval be given to authorize up to seven (7) delegates to attend the 1998 Annual Conference of the Association of Municipalities of Ontario being held 1998 August 23 - 26 in Toronto. **AMENDED.**

- 48. (a) That Fleet Services Division, Department of Public Works and Traffic be authorized to perform fleet services, general maintenance and repairs on vehicles owned by the Hamilton Society for Prevention of Cruelty to Animals (H.S.P.C.A.); and,
- (b) That the by-law, fixing the terms, conditions and charges for these services be enacted by Council.
- 49. (a) That the work plan included in the report "A Feasibility Study Into the Application of District Energy In The City of Hamilton, Ontario" attached hereto as Appendix "H" be approved; and,
- (b) That authorization be given to the Mayor and City Clerk to execute an Agreement in a form satisfactory to the City Solicitor with Natural Resources Canada to proceed with the next phase of the project development process for the Community Energy Project; and,

- (c) That the City's share (25% City, 25% Region, 50% Federal Government) of the estimated \$105,000 cost be funded from Capital Funds Account CF709855042 - Community Energy System - Study (available funds \$75,000); and,
 - (d) That The Region of Hamilton-Wentworth be so advised.
 - (e) That staff be directed to prepare a report on hydro electrical deregulation and the role of the City of Hamilton for the consideration of the Finance and Administration Committee. **ADDED.**
50. (a) That the Director of Culture and Recreation be authorized to prepare a Business Plan for the Hamilton Farmers' Market in consultation with the various stakeholders and with emphasis on its important role in the revitalization of the downtown; and,
- (b) That the Business Plan include a detailed budget analysis including costs and a user pay back plan of upgrades to the facility requested by stallholders.
51. That the proposal regarding the Council Chamber renovations, as presented by Ross Fair, Director of Culture and Recreation, and attached hereto as Appendix "I", be approved.
52. (a) That the amendment to the International Brotherhood of Painters and Allied Trades, Local 1795, Collective Agreement be received pursuant to the Fair Wage Policy of the City of Hamilton; and,
- (b) That the Fair Wage Schedule be amended to reflect this change.
53. That after hearing the evidence of the complainants, Gilbert and Elisabeth DiGreggorio, the Council of the City of Hamilton hereby waives the development charges imposed on the property located at 181 John Street North pursuant to City of Hamilton Development Charges By-law 95-176 in the amount of \$4,093.86.
54. That the "Hamilton Harbour Commissioners - Financial Statements" for the year ended December 31, 1997, be received.

55. (a) That two Senior Property Officer/Appraisal positions from the current five (5) Senior Property Officer/Appraiser compliment be eliminated: and,
- (b) That two positions be established titled Appraiser Co-ordinator and Property Co-ordinator and that job documentation for these positions be prepared and forwarded to Human Resource Services for review and establishment of salary classification. **AMENDED.**
56. That the request of the Polish Symfonia Choir of Hamilton to place a commemorative plaque in City Hall commemorating the 60th Anniversary of the beginning of World War II, be referred to the Director of Culture and Recreation.
57. That the following Bills be adopted, signed, sealed and enrolled as By-laws:
- (a) D-37 A By-law Respecting: Appointment of an External Auditor.
- (b) D-38 A By-law to Provide for: The Provision of Fleet Services to the Hamilton Society for the Prevention of Cruelty to Animals.
- (c) D-39 A By-law to Authorize: A By-law to Reduce Approved Debenture Amounts.
- (d) D-40 A By-law to Authorize and Extension Agreement for Payment of Realty Tax Arrears
58. That the City Solicitor be instructed to advise the Alternative Dispute Resolution Centre, and all counsel in this matter, that it is the view of the City of Hamilton that mediation in Ontario Court (General Division) Action No. 97-CV-123529, is unlikely to succeed, and that the City of Hamilton wishes to cancel the mediation session scheduled with the Alternative Dispute Resolution Centre on 1998 August 31.
59. (a) That City Council delegate to the City Solicitor authority to settle Court Actions/claims to an upset limit of \$6,000, inclusive of all claims for damages, interest and costs; and,
- (b) That in exercising the delegated authority to settle Court Actions/claims the City Solicitor shall:

- (i) Review the potential liability of the City in the Court Action/claim having regard to the facts of the particular situation, and the provisions of statute law and case law; and,
 - (ii) Assess the damages claimed by the Plaintiff(s) having regard to hospital, medical and other records produced in the Court Action/claim, and having regard to the case law regarding quantum of damages in cases involving similar injuries/damages; and,
 - (iii) Apply, where appropriate, a reduction for contributory negligence having regard to the facts of the individual case and the case law; and,
 - (iv) Have regard to any contribution to the settlement available from co-Defendants or Third Parties to the Action, if any; and,
 - (v) Have regard to the recommendations of any settlement conference or pre-trial hearing which may have been conducted in a Court Action; and,
 - (vi) In determining whether a settlement shall be accepted or not have regard to the amount of staff time and costs which the City has incurred in defence of the claim to that point in time, and have regard to the amount of staff time and costs which the City would incur in order to continue the defence of the claim; and,
- (c) That nothing in this delegation of authority shall be taken to prevent the City Solicitor from bringing settlement proposals less than \$6,000 to Committee and Council for direction and/or approval in appropriate cases.
60. (a) That the City resolve Ontario Court (General Division) Action No. 12693/96 by the payment of the sum of \$35,355.17, inclusive of all claims for damages, interests and costs, to the Plaintiffs, Esther and William Eisenstein; and,
- (b) That the Plaintiffs be required to execute a Full and Final Release in a form satisfactory to the City Solicitor; and,
- (c) That Ontario Court (General Division) Action No. 12693/96 be dismissed without costs.

61. (a) That the City of Hamilton decline to accept the Plaintiffs' Offer to Settle Ontario Court (General Division) Action No. 1182/93 for the sum of \$40,000. plus costs and pre-judgment interest; and,
- (b) That the City of Hamilton Offer to Settle all outstanding issues in Ontario Court (General Division) Action No. 1182/93 on the following terms:
- (i) The City of Hamilton pay to the Plaintiffs Denise Deon and John Becker the sum of \$3,500, inclusive of all claims for damages, interest and costs; and,
- (ii) That the Plaintiffs' be required to execute a full and final release in a form satisfactory to the City Solicitor; and,
- (iii) That Ontario Court (General Division) Action No. 1182/93 be dismissed without costs; and,
- (iv) That this Offer to Settle remains open for acceptance until withdrawn, or until the commencement of trial, whichever first occur.
62. (a) That the City resolve Ontario Court (General Division) Action No. 10587/95 by the payment to the Plaintiffs, Oie and Robert Ezergailis, the sum of \$11,215.18, inclusive of all claims for damages, interests and costs; and,
- (b) That the Plaintiffs be required to execute a Full and Final Release in a form satisfactory to the City Solicitor; and,
- (c) That Ontario Court (General Division) Action No. 10587/95 be dismissed without costs.
63. (a) That the City resolve Ontario Court (General Division) Small Claims Court Action No. 239/98 by the payment to the Plaintiff, Melissa Schaefer, of the sum of \$1,000 inclusive of all damages, interest and costs; and,
- (b) That the Plaintiff be required to execute a Full and Final Release in a form satisfactory to the City Solicitor; and,
- (c) That Ontario Court (General Division) Small Claims Court Action No. 239/98 be dismissed without costs.

64. That the following Bill be adopted, signed, sealed and enrolled as a By-law:
- (a) D-41 A By-law to Confirm the Proceedings of the City Council of the Corporation of the City of Hamilton.
65. (a) That the Mayor and the City Clerk be authorized and directed to execute an agreement with "Major League Sports Bar Ltd.", trading as "L.A. Bats", for the purpose of establishing an outdoor patio café situated on the south-west corner of the Municipal Parking Facility Lot No. 7, at 171 Main Street East, for the months of July, August and September; and,
- (b) That the agreement be in a form satisfactory to the City Solicitor; and,
- (c) That the agreement include a requirement whereby Major League Sports Bar Ltd. shall fully indemnify the City and shall also obtain Commercial General Liability insurance, in the amount of five million dollars (\$5,000,000), including Liquor License Liability, all in a form satisfactory to the City Solicitor.
- (d) That, without limiting the generality of paragraph (b), Major League Sports Bar Ltd. be responsible for any and all realty taxes arising out of the use of the specified portion of the Municipal Parking Facility; and,
- (e) That such structures as are necessary to effect the patio café be situated and constructed to the satisfaction of the Commissioner of Public Works and Traffic; and,
- (f) That, in consideration for the use of the specified portion of the Municipal Parking Facility Major League Sports Bar Ltd. pay to the City the sum of two hundred and twenty dollars (\$220), based upon fair market value.
66. That the Commissioner of Public Works and Traffic be authorized and directed to execute an agreement, satisfactory to the City Solicitor, between the City and Hamilton-Wentworth Protection Services Limited for the provision of contractual cashiering and security services, for a term commencing 1998 July 16 and concluding 2001 July 01.
67. That the following Bill be adopted, signed, sealed and enrolled as a By-law:
- (a) D-42 A By-law to Licence and Regulate Various Businesses

68. That the following Bill be adopted, signed, sealed and enrolled as a By-law:

(a) D-43 A By-law to Licence and Regulate Lotteries

69. That a Heritage Permit be approved for the designated property at 262 James Street South to remove the existing original slate roof and replace it with a new roof made of slate or an alternative material.

70. That the staff of the Planning and Development Department be directed to undertake a City Initiative to remove Charity Gaming Casinos as a permitted use in the Zoning By-law.

71. That the application of A. Bradford, agent for the Regional Municipality of Hamilton-Wentworth, Economic and Development (No. 1 James Street South) to temporarily close the following City streets from Thursday, 1998 July 16 at 5:00 o'clock p.m. to Sunday, 1998 July 19 at 10:00 o'clock p.m.:

Strachan Street West from James Street to Bay Street
Marsh Street from Simcoe Street to southerly limit
Simcoe Street West from MacNab Street to westerly limit
Ferrie Street West from James Street to Nichol Street
Nichol Street from Ferrie Street to Picton Street
Picton Street West from James Street to westerly limit
Macauley Street West from James Street to Bay Street
Wood Street West from James Street to Bay Street
Burlington Street West from James Street to Bay Street
Guise Street from James Street to Bay Street
Leander Drive from Guise Street to westerly limit
Bay Street North from Strachan Street to Guise Street
MacNab Street North from Strachan Street to Guise Street

for the annual Greater Hamilton Aquafest be approved provided:

(a) That the prior approval of the Chief of Police or his designate be received and that such permits or authorizations as may be required by the Chief of Police or his designate be obtained; and,

- (b) That the applicant provide proof of \$2,000,000 public liability insurance naming the City of Hamilton and the Region as an added insured party, with a provision for cross liability and holding the City of Hamilton and the Region harmless from all actions, causes of action, interest, claims, demands, costs, damages, expenses and loss; and,
- (c) That all barricading, detour signing and traffic control be subject to direction of the Chief of Police or his designate; and,
- (d) That all barricading be supplied by and at the expense of the applicant; and,
- (e) That "Temporary Road Closure" signs be installed in advance by the Department of Public Works and Traffic on the affected roadways, if deemed necessary by the Commissioner of Public Works and Traffic, at the expense of the applicant; and,
- (f) That the applicant ensure that clean up operations be carried out immediately before the re-opening of the roads to the satisfaction of the Commissioner of Transportation and at the expense of the event organizer; and,
- (g) That no property owner or resident within the barricaded area be denied access to their property upon request; and,
- (h) That all property owners and tenants along the closed portion of the route be notified of the event by the applicant prior to the event in a form acceptable to the Commissioner of Transportation.
- (i) That the Hamilton-Wentworth Regional police and City of Hamilton By-law Enforcement/Parking Control staff enforce the 'Permit Parking' regulation, (under Section 33a, subsection 12, of the City Traffic By-law No. 89-72), temporarily in effect on the aforesaid City streets; and,
- (j) That following this years events, staff will organize a public neighbourhood meeting chaired by the Chairman of the Transport and Environment Committee with local residents, event organizers and staff to discuss impacts and possible improvements special events have on the residential streets surrounding Bayfront and Pier 4 Parks; and,

- (k) That the City Traffic By-law No. 89-72 be amended accordingly; and,
- (l) That the following Bill be added, signed, sealed and enrolled as a By-law:

A-58 A By-law to Amend By-law No. 89-72 to Regulate Traffic.

- 72. That one thousand dollars be granted to the East Hamilton Soccer Association, and that the funds be taken from the remaining grant monies.
- 73.
 - (a) That a 'Permit Parking' regulation be implemented on the east side of John Street North commencing at a point 85 feet north of Strachan Street East and extending to a point 20 feet northerly therefrom and that the City Traffic By-law 89-72 be amended accordingly; and,
 - (b) That the Commissioner of Public Works and Traffic be authorized to issue one parking permit to Mr. Domenico Pirruccio (spelling according to phone book), 350 John Street North; and,
 - (c) That the following Bill be adopted, signed, sealed and enrolled as a By-law:
 - (a) A-57 A By-law to Amend Traffic By-law No. 89-72 to Regulate Traffic
- 74.
 - (a) That the City of Hamilton authorize the commencement of an action in substance for relief set out in the draft Statement of Claim, with respect to The Canada Marine Act-Hamilton Port Authority, in a form satisfactory to the City Solicitor; and,
 - (b) That the City Solicitor report back to the 1998 September meeting of the Committee of the Whole on the status and progress of the Claim.
- 75. That a letter be forwarded to the Province respecting the following items relating to provincial downloading and transfer payments:
 - (a) Confirmation of impact of recent regulations with respect to payment-in-lieu; and,

- (b) Clarification as to how this impact relates to the Provincial position of revenue neutrality; and,
 - (c) That the Province be requested to reverse this decision or provide a grant to offset the approximate additional \$1 million revenue loss as a result of the payment-in-lieu regulations.
- 76.
- (a) That for the purpose of the consolidation of the Regional and City Administrations, a Selection Committee composed of the Mayor, the Regional Chairman and the Chairmen of the City and Regional Standing Committees be established to recommend the appointment of Division Heads for the combined administration; and,
 - (b) That the mandate of the Chief Administrative Officer Selection Committee, as previously approved by both Councils, be reconfirmed.
- 77.
- (a) That the Fire Chief be authorized to proceed immediately to fill eight (8) of the currently vacant positions within the Fire Department.
 - (b) That the Fire Chief be authorized and directed to establish a pool of trained firefighters in order that future vacancies can be filled within a timely fashion as they occur.
 - (c) That the Fire Chief report back within one month with respect to any issues of safety relative to the staffing complement of the Department including a detailing of the number and circumstances of instances of safety, if any. In addition, the report is to contain specifics relative to how the Hamilton Fire Department compares to other fire departments.

1998 July 7

Appendix "A" referred to in
Section 30 of the Recommendations
Presented to Council 1998 July 7

<u>APPLICATIONS</u>	<u>PLANNING FEES</u>					<u>ESTIMATE # OF APPLICATIONS</u>	<u>FEES GENERATED</u>
	<u>CURRENT FEE</u>	<u>CONSULTANT RECOMMENDED FEE</u>	<u>PROPOSED FEE</u>	<u>FEE INCREASE</u>			
1. <u>Rezoning</u>							
• Routine	\$ 900	\$1,300	\$1,200	\$300	10		\$ 12,000
• Complex - Phase I	\$1,165	\$1,680	\$1,500	\$335	30		\$ 45,000
• Phase II	\$ 635	\$ 915	\$ 800	\$165	20		\$ 16,000
Sub-Total							\$ 73,000
2. <u>Official Plan Amendment</u>							
• Phase I	\$1,165	\$1,950	\$1,500	\$335	10		\$ 15,000
• Phase II	\$ 635	\$1,925	\$ 800	\$165	8		\$ 6,400
Sub-Total							\$ 21,400
3. <u>Site Plan Control</u>							
• Site Plan Applications	\$1,160	\$2,040	\$1,500	\$340	35		\$ 52,500
• Revisions to Plans	\$ 425	n/a	\$ 550	\$125	5		\$ 2,750
• Preliminary Review	\$ 425	n/a	\$ 550	\$125	5		\$ 2,750
• Exemption Requests	\$ 80	n/a	\$ 150	\$ 70	30		\$ 4,500
Sub-Total							\$ 62,500

935

4. Plan of Subdivision

• Simple	\$ 570	\$1,950	\$1,000 plus \$10/ lot & \$75/ block	\$430 plus	2	\$ 2,720
• Complex	\$1,035	\$2,500	\$2,000 plus \$20/ lot & \$150/ block	\$965 plus	2	\$ 5,440
• For subdivisions received before March 28, 1995	\$ 360	\$ 750	\$ 750	\$390	1	\$ 750
• For subdivisions received after March 28, 1995	\$ 360	n/a	\$1,050	\$690	1	\$ 1,050
• Ext. Draft Plan of Sub.	\$ 185	\$ 180	\$ 185	\$0	1	\$ 185
• Administration fee for files over 5 years old	0	0	\$ 200	NEW	20	\$ 4,000
Sub-Total						\$14,145

936

5. Plan of Condominium

• New Building	\$ 570	\$1,400	\$750 plus \$10/ unit	\$190 plus	5	\$ 4,750
• Conversion - Phase I	\$1,015 plus \$20/ unit (max \$800)	No Increase	\$1,015 plus \$10/ unit	0	10	\$ 12,500
• Conversion - Phase II (Prior to June 17, 1998)	\$ 255		to be deleted	0	3	\$ 765
• Revision to Condominiums	\$ 360	\$ 750	\$ 750	\$390	0	---

1998 July 7

Sub-Total \$18,015

6. Part Lot Control

- Applications	\$ 510	\$ 360	\$ 510	\$0	8	\$ 4,080
- Extensions	\$ 255	n/a	\$ 255	\$0	2	\$ 510

7. Property Reports

• Property Reports	\$ 85	\$ 80	\$ 85	\$0	5	\$ 425
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• Change of Municipal Number/Additional Tenant Addresses

	\$ 85	n/a	\$ 85	\$0	8	\$ 680
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8. Notice Redcirculation

	\$ 260	n/a	\$ 260	\$0	2	\$ 520
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937 9. Street Name Change

	\$4,220	\$4,155	\$4,220	\$0	0	---
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10. Neighbourhood Plan and Modified N. Plan

	\$1,140	n/a	\$1,140	\$0	0	---
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Sub-Total

\$195,275

PLANNING SERVICES

1. Sale of Maps and Services

\$ 5,000

2. Committee of Adjustment Maps

\$ 15,000

TOTAL

\$215,275

Appendix "B" referred to in
Section 35 (a) of the Recommendations
Presented to Council dated 1998 July 7

[illegible]

APPLICATION PURPOSE(S) FOR: SECRET

May 4/1972: [Signature]
J. Moulton
INLAND DIVISION SUPERVISOR

ERISINA
CONSTRUCTION CO. LTD.

LEGEND: a 900.00 - EXIST. ELEV.
 c 7100.00 - PROP.

PENCIL MARK:

978

ASHENHURST ROUWENS LIMITED
PROFESSIONAL ENGINEERS & ONTARIO LAND SURVEYORS

318 YORK BOULEVARD, SUITE 301, MARKHAM, ONTARIO L3R 9J6
TELEPHONE: (905) 947-4318
(905) 360-4314
FAX: (905) 837-8461
e-mail: erisina@erisina.com

DATE _____		Ontario Land Surveyor _____	
SCALE 1 : 200		FILE No. 88041	

**Lists of Capital Projects
Internal Financing Arranged Through Reserve**

NO.	PROJECTS	ACCOUNT CENTRE NUMBER	AUTHO - RIZING BY - LAW NUMBER	ONTARIO MUNICIPAL BOARD		DEBENTURE AMOUNT AUTHO - RIZED	FINANCING TO DATE		MAXIMUM DEBT TO BE ISSUED	INTERNAL FINANCING THROUGH RESERVE 1998 (11)
				NUMBER	DATE		DEBT ISSUE	RESERVE TRANSFER		
1	CULTURE AND RECREATION:									
1	IVOR WYNNE STADIUM IMPROVEMENTS (Infrastructure)	CF 809453007	94 - 135	N/A	N/A	891,018	886,583		4,435	4,434
PUBLIC WORKS AND TRAFFIC:										
2	ROAD & SIDEWALK RECONSTRUCTION PROGRAM	CF 529642001	96 - 050	N/A	N/A	4,524,000	52,048.85	1,000,000	3,471,951	2,935,566
3	ROAD & SIDEWALK RECONSTRUCTION PROGRAM - PHASE II	CF 529742001	97 - 093	N/A	N/A	700,000			700,000	700,000
4	ROAD & SIDEWALK RECONSTRUCTION PROGRAM	CF 529742001	97 - 093	N/A	N/A	6,671,000			6,671,000	4,000,000
5	ROADWAY RECONSTRUCTION PROGRAM (Infrastructure)	CF 809453016	98 - 069	N/A	N/A	696,772			696,772	250,000
6	T. B. MCQUESTON PARK	CF 629254005	92 - 216	E 920490	26 - Jun - 92	2,115,525		704,859	1,410,666	300,000
			94 - 123		07 - Jul - 94					
7	MOHAWK SPORTS PARK DEVELOPMENT - PHASE I	CF 629754033	97 - 093	N/A	N/A	240,000			240,000	240,000
8	MACASSA PARK REDEVELOPMENT	CF 629754035	97 - 093	N/A	N/A	333,000			333,000	333,000
9	DOWNTOWN PHASE OF FERGUSON AVENUE MASTER PLAN	CF 409755037	97 - 093	N/A	N/A	780,000			780,000	37,000
HAMILTON PUBLIC LIBRARY:										
10	WESDALE BRANCH LIBRARY	CF 919741044	97 - 093	N/A	N/A	400,000			400,000	200,000
	Total					17,351,315	938,632	1,704,859	14,707,824	9,000,000

Appendix "C" referred to in
Section 37 (a) & (c) of the Recommendations
Presented to Council dated 1998 July 7

1998 July 7

Appendix "D" referred to in
Section 37 (d) of the Recommendations
Presented to Council 1998 July 7

The City of Hamilton
Treasury

**Internal Financing Through Reserve
For Previously Authorized Capital Projects**

From the Reserve for Replacement of Mobile Equipment, A/c Centre No. CH 00101

The rate based on 5 year Canada Bond Rate as at June 08, 1998

Amortized Over Five Years @ The Rate Of 5.44%

Date (1)	Total Payment (2)	Principal (3)	Interest (4)	Interest Rate (5)	Balance Outstanding (6)
Internal Financing Through Reserve Consolidated Schedule 1998					
30-Jun-98					9,000,000.00
30-Jun-99	2,104,121.42	1,614,521.42	489,600.00	5.44%	7,385,478.58
30-Jun-2000	2,104,121.42	1,702,351.39	401,770.03	5.44%	5,683,127.19
30-Jun-2001	2,104,121.42	1,794,959.30	309,162.12	5.44%	3,888,167.89
30-Jun-2002	2,104,121.42	1,892,605.09	211,516.33	5.44%	1,995,562.80
30-Jun-2003	2,104,121.42	1,995,562.80	108,558.62	5.44%	0.00
	<u>10,520,607.10</u>	<u>9,000,000.00</u>	<u>1,520,607.10</u>		

CONSISTING OF:

**1. Ivor Wynne Stadium
Improvements (Infrastructure)
Account Centre No. CF 809453007**

30-Jun-98					4,434.00
30-Jun-99	1,036.63	795.42	241.21	5.44%	3,638.58
30-Jun-2000	1,036.63	838.69	197.94	5.44%	2,799.89
30-Jun-2001	1,036.63	884.32	152.31	5.44%	1,915.57
30-Jun-2002	1,036.63	932.42	104.21	5.44%	983.15
30-Jun-2003	1,036.63	983.15	53.48	5.44%	(0.00)
	<u>5,183.15</u>	<u>4,434.00</u>	<u>749.15</u>		

**2. Road and Sidewalk Reconstruction Program
Account Centre No. CF 529642001**

30-Jun-98					2,935,566.00
30-Jun-99	686,309.70	526,614.91	159,694.79	5.44%	2,408,951.09
30-Jun-2000	686,309.70	555,262.76	131,046.94	5.44%	1,853,688.33
30-Jun-2001	686,309.70	585,469.05	100,840.65	5.44%	1,268,219.28
30-Jun-2002	686,309.70	617,318.57	68,991.13	5.44%	650,900.71
30-Jun-2003	686,309.71	650,900.71	35,409.00	5.44%	0.00
	<u>3,431,548.51</u>	<u>2,935,566.00</u>	<u>495,982.51</u>		

1998 July 7

The City of Hamilton
Treasury

**Internal Financing Through Reserve
For Previously Authorized Capital Projects**

From the Reserve for Replacement of Mobile Equipment, A/c Centre No. CH 00101

The rate based on 5 year Canada Bond Rate as at June 08, 1998

Amortized Over Five Years @ The Rate Of 5.44%

Date (1)	Total Payment (2)	Principal (3)	Interest (4)	Interest Rate (5)	Balance Outstanding (6)
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**3. Road and Sidewalk Reconstruction
Program – Phase II
Account Centre No. CF 529742001**

30-Jun-98					700,000.00
30-Jun-99	163,653.89	125,573.89	38,080.00	5.44%	574,426.11
30-Jun-2000	163,653.89	132,405.11	31,248.78	5.44%	442,021.00
30-Jun-2001	163,653.89	139,607.95	24,045.94	5.44%	302,413.05
30-Jun-2002	163,653.89	147,202.62	16,451.27	5.44%	155,210.43
30-Jun-2003	163,653.88	155,210.43	8,443.45	5.44%	(0.00)
	<u>818,269.44</u>	<u>700,000.00</u>	<u>118,269.44</u>		

**4. Road and Sidewalk Reconstruction Program
Account Centre No. CF 529742001**

30-Jun-98					4,000,000.00
30-Jun-99	935,165.08	717,565.08	217,600.00	5.44%	3,282,434.92
30-Jun-2000	935,165.08	756,600.62	178,564.46	5.44%	2,525,834.30
30-Jun-2001	935,165.08	797,759.69	137,405.39	5.44%	1,728,074.61
30-Jun-2002	935,165.08	841,157.82	94,007.26	5.44%	886,916.79
30-Jun-2003	935,165.06	886,916.79	48,248.27	5.44%	(0.00)
	<u>4,675,825.38</u>	<u>4,000,000.00</u>	<u>675,825.38</u>		

**5. Roadway Reconstruction
Program (Infrastructure)
Account Centre No. CF 809453016**

Date	Total Payment	Principal	Interest		Balance Outstanding
30-Jun-98					250,000.00
30-Jun-99	58,447.82	44,847.82	13,600.00	5.44%	205,152.18
30-Jun-2000	58,447.82	47,287.54	11,160.28	5.44%	157,864.64
30-Jun-2001	58,447.82	49,859.98	8,587.84	5.44%	108,004.66
30-Jun-2002	58,447.82	52,572.37	5,875.45	5.44%	55,432.29
30-Jun-2003	58,447.81	55,432.29	3,015.52	5.44%	(0.00)
	<u>292,239.09</u>	<u>250,000.00</u>	<u>42,239.09</u>		

1998 July 7

The City of Hamilton
Treasury

**Internal Financing Through Reserve
For Previously Authorized Capital Projects**

From the Reserve for Replacement of Mobile Equipment, A/c Centre No. CH 00101

The rate based on 5 year Canada Bond Rate as at June 08, 1998

Amortized Over Five Years @ The Rate Of 5.44%

Date (1)	Total Payment (2)	Principal (3)	Interest (4)	Interest Rate (5)	Balance Outstanding (6)
6. T. B. McQueston Park					
Account Centre No. CF 629254005					
30-Jun-98					300,000.00
30-Jun-99	70,137.38	53,817.38	16,320.00	5.44%	246,182.62
30-Jun-2000	70,137.38	56,745.05	13,392.33	5.44%	189,437.57
30-Jun-2001	70,137.38	59,831.98	10,305.40	5.44%	129,605.59
30-Jun-2002	70,137.38	63,086.84	7,050.54	5.44%	66,518.75
30-Jun-2003	70,137.37	66,518.75	3,618.62	5.44%	0.00
	<u>350,686.89</u>	<u>300,000.00</u>	<u>50,686.89</u>		

**7. Mohawk Sports Park
Development - Phase I**
Account Centre No. CF 629754033

30-Jun-98					240,000.00
30-Jun-99	56,109.90	43,053.90	13,056.00	5.44%	196,946.10
30-Jun-2000	56,109.90	45,396.03	10,713.87	5.44%	151,550.07
30-Jun-2001	56,109.90	47,865.58	8,244.32	5.44%	103,684.49
30-Jun-2002	56,109.90	50,469.46	5,640.44	5.44%	53,215.03
30-Jun-2003	56,109.93	53,215.03	2,894.90	5.44%	0.00
	<u>280,549.53</u>	<u>240,000.00</u>	<u>40,549.53</u>		

8. Macassa Park Redevelopment
Account Centre No. CF 629754035

30-Jun-98					333,000.00
30-Jun-99	77,852.49	59,737.29	18,115.20	5.44%	273,262.71
30-Jun-2000	77,852.49	62,987.00	14,865.49	5.44%	210,275.71
30-Jun-2001	77,852.49	66,413.49	11,439.00	5.44%	143,862.22
30-Jun-2002	77,852.49	70,026.39	7,826.10	5.44%	73,835.83
30-Jun-2003	77,852.50	73,835.83	4,016.67	5.44%	0.00
	<u>389,262.46</u>	<u>333,000.00</u>	<u>56,262.46</u>		

1998 July 7

The City of Hamilton
Treasury

**Internal Financing Through Reserve
For Previously Authorized Capital Projects**

From the Reserve for Replacement of Mobile Equipment, A/c Centre No. CH 00101

The rate based on 5 year Canada Bond Rate as at June 08, 1998

Amortized Over Five Years @ The Rate Of 5.44%

Date (1)	Total Payment (2)	Principal (3)	Interest (4)	Interest Rate (5)	Balance Outstanding (6)
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**9. Downtown Phase of Ferguson Avenue
Master Plan
Account Centre No. CF 409755037**

30-Jun-98					37,000.00
30-Jun-99	8,650.28	6,637.48	2,012.80	5.44%	30,362.52
30-Jun-2000	8,650.28	6,998.56	1,651.72	5.44%	23,363.96
30-Jun-2001	8,650.28	7,379.28	1,271.00	5.44%	15,984.68
30-Jun-2002	8,650.28	7,780.71	869.57	5.44%	8,203.97
30-Jun-2003	8,650.27	8,203.97	446.30	5.44%	(0.00)
	<u>43,251.39</u>	<u>37,000.00</u>	<u>6,251.39</u>		

**10. Wesdale Branch Library
Account Centre No. CF 919741044**

30-Jun-98					200,000.00
30-Jun-99	46,758.25	35,878.25	10,880.00	5.44%	164,121.75
30-Jun-2000	46,758.25	37,830.03	8,928.22	5.44%	126,291.72
30-Jun-2001	46,758.25	39,887.98	6,870.27	5.44%	86,403.74
30-Jun-2002	46,758.25	42,057.89	4,700.36	5.44%	44,345.85
30-Jun-2003	46,758.26	44,345.85	2,412.41	5.44%	0.00
	<u>233,791.26</u>	<u>200,000.00</u>	<u>33,791.26</u>		

SCHEDULE "A"
EXTENSION AGREEMENTS

1998 July 7

- | | | |
|-----|--|--|
| 1) | PROPERTY ADDRESS
SERIAL NUMBER
REDEMPTION DATE | 40 GRAYROCKS #31
06 07610 1960
SEPTEMBER 2, 1998 |
| 2) | PROPERTY ADDRESS
SERIAL NUMBER
REDEMPTION DATE | 2007 BRAMPTON
05 04010 7800
SEPTEMBER 2, 1998 |
| 3) | PROPERTY ADDRESS
SERIAL NUMBER
REDEMPTION DATE | 12 TRAGINA N.
04 03325 1180
SEPTEMBER 2, 1998 |
| 4) | PROPERTY ADDRESS
SERIAL NUMBER
REDEMPTION DATE | 3 LIONSGATE
08 10730 7778
SEPTEMBER 2, 1998 |
| 5) | PROPERTY ADDRESS
SERIAL NUMBER
REDEMPTION DATE | 128 WISE CRES.
06 05660 0770
SEPTEMBER 2, 1998 |
| 6) | PROPERTY ADDRESS
SERIAL NUMBER
REDEMPTION DATE | 103 MELBOURNE
01 00915 5290
SEPTEMBER 2, 1998 |
| 7) | PROPERTY ADDRESS
SERIAL NUMBER
REDEMPTION DATE | 329 WAVERLY
05 04920 7870
SEPTEMBER 2, 1998 |
| 8) | PROPERTY ADDRESS
SERIAL NUMBER
REDEMPTION DATE | 184 BOND N.
01 00620 2380
SEPTEMBER 2, 1998 |
| 9) | PROPERTY ADDRESS
SERIAL NUMBER
REDEMPTION DATE | 107 ONTARIO
03 02050 6480
SEPTEMBER 2, 1998 |
| 10) | PROPERTY ADDRESS
SERIAL NUMBER
REDEMPTION DATE | 127 BURTON
03 02210 9200
SEPTEMBER 2, 1998 |
| 11) | PROPERTY ADDRESS
SERIAL NUMBER
REDEMPTION DATE | 13 STRATHCONA N.
01 01035 0930
SEPTEMBER 2, 1998 |
| 12) | PROPERTY ADDRESS
SERIAL NUMBER
REDEMPTION DATE | 106 BURTON
03 02210 8300
SEPTEMBER 2, 1998 |
| 13) | PROPERTY ADDRESS
SERIAL NUMBER
REDEMPTION DATE | 1042 BARTON E.
04 02860 1030
SEPTEMBER 2, 1998 |
| 14) | PROPERTY ADDRESS
SERIAL NUMBER
REDEMPTION DATE | 127 CARTIER
07 07510 4672
SEPTEMBER 2, 1998 |
| 15) | PROPERTY ADDRESS
SERIAL NUMBER
REDEMPTION DATE | 1378 BARTON E.
004 03335 8640
SEPTEMBER 9, 1998 |

16)	PROPERTY ADDRESS SERIAL NUMBER REDEMPTION DATE	2 WALDORF 07 06520 1612 SEPTEMBER 9, 1998
17)	PROPERTY ADDRESS SERIAL NUMBER REDEMPTION DATE	1998 July 7 218 WEST 2ND 08 09120 7290 SEPTEMBER 9, 1998
18)	PROPERTY ADDRESS SERIAL NUMBER REDEMPTION DATE	191 SHERMAN N. 03 02360 7800 SEPTEMBER 9, 1998
19)	PROPERTY ADDRESS SERIAL NUMBER REDEMPTION DATE	97 PARADISE N. 01 00630 6080 NOVEMBER 5, 1998
20)	PROPERTY ADDRESS SERIAL NUMBER REDEMPTION DATE	394 CHARLTON W. 01 00925 4620 NOVEMBER 5, 1998
21)	PROPERTY ADDRESS SERIAL NUMBER REDEMPTION DATE	243 GIBSON 03 02350 2140 NOVEMBER 5, 1998
22)	PROPERTY ADDRESS SERIAL NUMBER REDEMPTION DATE	150 LIMERIDGE W. 08 09840 0330 NOVEMBER 5, 1998
23)	PROPERTY ADDRESS SERIAL NUMBER REDEMPTION DATE	1123 CANNON E. 04 02835 2070 NOVEMBER 12, 1998
24)	PROPERTY ADDRESS SERIAL NUMBER REDEMPTION DATE	763 DUNN 05 04030 6900 NOVEMBER 12, 1998
25)	PROPERTY ADDRESS SERIAL NUMBER REDEMPTION DATE	12 BRANTDALE 08 09110 8920 NOVEMBER 12, 1998
26)	PROPERTY ADDRESS SERIAL NUMBER REDEMPTION DATE	62 BARNESDALE N. 03 02640 6460 NOVEMBER 12, 1998
27)	PROPERTY ADDRESS SERIAL NUMBER REDEMPTION DATE	643 PARKDALE N. 05 03910 7360 NOVEMBER 12, 1998
28)	PROPERTY ADDRESS SERIAL NUMBER REDEMPTION DATE	284 WILSON 03 02130 4710 NOVEMBER 12, 1998
29)	PROPERTY ADDRESS SERIAL NUMBER REDEMPTION DATE	236 GRENFELL 04 03210 3180 NOVEMBER 12, 1998
30)	PROPERTY ADDRESS SERIAL NUMBER REDEMPTION DATE	1475 UPPER GAGE #3 06 07310 2837 NOVEMBER 12, 1998
31)	PROPERTY ADDRESS SERIAL NUMBER REDEMPTION DATE	945 18 LINCOLN 04 02860 3390 NOVEMBER 12, 1998

1998 July 7

- | | | |
|-----|--|--|
| 32) | PROPERTY ADDRESS
SERIAL NUMBER
REDEMPTION DATE | 16 HARLOWE
06 05810 6400
NOVEMBER 12, 1998 |
| 33) | PROPERTY ADDRESS
SERIAL NUMBER
REDEMPTION DATE | 14 BRANTDALE
08 09110 8890
NOVEMBER 12, 1998 |
| 34) | PROPERTY ADDRESS
SERIAL NUMBER
REDEMPTION DATE | 301 EAST N.
03 02160 5630
NOVEMBER 12, 1998 |
| 35) | PROPERTY ADDRESS
SERIAL NUMBER
REDEMPTION DATE | 72 GRAHAM N.
04 03115 9180
NOVEMBER 12, 1998 |
| 36) | PROPERTY ADDRESS
SERIAL NUMBER
REDEMPTION DATE | 26 EAST 16TH
07 08140 5620
NOVEMBER 12, 1998 |
| 37) | PROPERTY ADDRESS
SERIAL NUMBER
REDEMPTION DATE | 423 CUMBERLAND
03 02510 1690
NOVEMBER 12, 1998 |
| 38) | PROPERTY ADDRESS
SERIAL NUMBER
REDEMPTION DATE | 44 NICKLAUS
05 05335 5570
NOVEMBER 12, 1998 |
| 39) | PROPERTY ADDRESS
SERIAL NUMBER
REDEMPTION DATE | 196 LOTTRIDGE
03 02660 8480
NOVEMBER 12, 1998 |
| 40) | PROPERTY ADDRESS
SERIAL NUMBER
REDEMPTION DATE | 156 CUMBERLAND
03 02410 4170
NOVEMBER 12, 1998 |
| 41) | PROPERTY ADDRESS
SERIAL NUMBER
REDEMPTION DATE | 145 WELLINGTON N.
02 01810 8080
NOVEMBER 12, 1998 |
| 42) | PROPERTY ADDRESS
SERIAL NUMBER
REDEMPTION DATE | 1392 CANNON E.
04 03120 1540
NOVEMBER 12, 1998 |
| 43) | PROPERTY ADDRESS
SERIAL NUMBER
REDEMPTION DATE | 22 BARNESDALE S.
03 02620 0100
NOVEMBER 12, 1998 |
| 44) | PROPERTY ADDRESS
SERIAL NUMBER
REDEMPTION DATE | 5 FANNING
01 00925 7860
NOVEMBER 12, 1998 |
| 45) | PROPERTY ADDRESS
SERIAL NUMBER
REDEMPTION DATE | 25 REDBURY #23
06 07010 2423
NOVEMBER 12, 1998 |
| 46) | PROPERTY ADDRESS
SERIAL NUMBER
REDEMPTION DATE | 946 129 CONNAUGHT
03 02645 6270
NOVEMBER 28, 1998 |

47)	PROPERTY ADDRESS SERIAL NUMBER REDEMPTION DATE	1998 July 7130 ERIE 03 02050 0880 NOVEMBER 28, 1998
48)	PROPERTY ADDRESS SERIAL NUMBER REDEMPTION DATE	22 VISTA 08 01410 3302 NOVEMBER 28, 1998
49)	PROPERTY ADDRESS SERIAL NUMBER REDEMPTION DATE	344 EMERALD 03 02165 2970 NOVEMBER 28, 1998
50)	PROPERTY ADDRESS SERIAL NUMBER REDEMPTION DATE	3 ROWANWOOD 04 02880 4580 NOVEMBER 28, 1998
51)	PROPERTY ADDRESS SERIAL NUMBER REDEMPTION DATE	27 VISTA 08 10410 3302 NOVEMBER 28, 1998
52)	PROPERTY ADDRESS SERIAL NUMBER REDEMPTION DATE	156 ROYAL 01 00430 3860 NOVEMBER 28, 1998
53)	PROPERTY ADDRESS SERIAL NUMBER REDEMPTION DATE	48 KIPLING 01 00610 6630 NOVEMBER 28, 1998
54)	PROPERTY ADDRESS SERIAL NUMBER REDEMPTION DATE	454 KING E. 03 02115 0250 NOVEMBER 28, 1998
55)	PROPERTY ADDRESS SERIAL NUMBER REDEMPTION DATE	5 CLINTON 03 02660 3740 NOVEMBER 28, 1998
56)	PROPERTY ADDRESS SERIAL NUMBER REDEMPTION DATE	1420 GARTH #36 08 10410 7045 NOVEMBER 28, 1998
57)	PROPERTY ADDRESS SERIAL NUMBER REDEMPTION DATE	25 COVINGTON 05 04810 6140 NOVEMBER 28, 1998
58)	PROPERTY ADDRESS SERIAL NUMBER REDEMPTION DATE	1964 MAIN W. 01 00160 0430 NOVEMBER 28, 1998
59)	PROPERTY ADDRESS SERIAL NUMBER REDEMPTION DATE	230 CAMPBELL 04 03140 8530 DECEMBER 10, 1998
60)	PROPERTY ADDRESS SERIAL NUMBER REDEMPTION DATE	439 KING E. 03 02120 1360 DECEMBER 10, 1998
61)	PROPERTY ADDRESS SERIAL NUMBER REDEMPTION DATE	585 CATHARINE N.XA 02 01660 1900 DECEMBER 10, 1998
62)	PROPERTY ADDRESS SERIAL NUMBER REDEMPTION DATE	726 MAIN E. 03 02450 6660 DECEMBER 10, 1998

63) PROPERTY ADDRESS
SERIAL NUMBER
REDEMPTION DATE

1998 July 68 CHEEVER
03 02180 0850
DECEMBER 10, 1998

The Fire Marshal's Implementation Report Proposals, with Comments and Suggested Amendments:

(a) **Fines**

Increases in maximum fines for corporations, from \$50,000 to \$250,000, and a minimum fine applicable to special orders.

Comment: Maximum fines are rarely awarded, and are usually approached through a series of violations and convictions (reference to proposed amendment of s. 28(4)).

Comment: Special orders under a proposed subsection 21(2.1) require the prior approval of the Fire Marshal, and are only available in particular cases of significant fire risk, but then provide for a minimum fine for failure to comply under a proposed section 30.1. The new subsection is limited in application, needs Fire Marshal pre-approval, and does not change the content of the order under existing section 21 or the rights of appeal. Section 21 orders are available in a wider range of situations, without further approval, and are subject to the right of review and appeals. The proposed subsection appears to exist to provide a situation where a minimum fine of \$5,000 can be applied against individuals or directors and officers of corporations. Any minimum fine is subject to judicial discretion. In particular subsection 59(2) of the Provincial Offenses Act, R.S.O. 1990, c. P.33 allows the courts to reduce such fines, and is often used in cases where the convict has financial constraints. Amendment: A minimum fine under each current penalty section would provide a more general deterrent, without the necessity of Fire Marshal approval. Comments under (f) below apply, suggesting that approvals be delegated by the Fire Marshal to local officials.

(b) **Piercing the Corporate Veil**

A proposed amendment to section 28 and addition of proposed section 30.1, which extends the liability of directors and officers of corporations, for failing to prevent the corporation from committing an offence.

Comment: In the case of section 30.1, a pre-requisite to prosecution would be that the Fire Marshal have approved use of an order under proposed subsection 21(2.1).

(c) **Right of Entry without a Permit**

Immediate entry to lands without a warrant to prevent a major emergency where there is also a significant risk of fire, with a range of powers to remove or reduce the risk (reference proposed s. 15.1(1)). This subsection expands the emergency powers of entry without warrant found in Part V of the Fire Protection and Prevention Act.

Comment: The lack of a warrant for entry and seizure leaves the new power or acts carried out under it more subject to court challenges, especially as such entry and powers are intended to be used beyond investigation and preserving property from fire loss. Warrantless entry includes

1998 July 7
powers such as the removal of property from the premises, and a warrant obtainable without notice may be a valuable or necessary prerequisite for this proposed measure, which may not unduly delay action. Amendment: Clarification to avoid vagueness may be necessary, given the combination of phrases within the section, ie. "significant risk", "major emergency" and "seriously endanger", and such criteria will limit the situations where these new powers apply. Co-ordination of the new powers with existing sections in Part V will allow improved response and prevention, which may require further amendments to Part V, ie. providing assistants to the Fire Marshal with powers under section 14.

(d) Right of Appeal

Sections 25 and 26 of the Fire Protection and Prevention Act are proposed to be amended, to remove the possibility of appeal of actions taken under 15.1. Amendment: An alternative to limiting appeals might be to limit grounds of appeal to a particular legal issue, and/or make the Fire Safety Commission the final appellate body, like the Ontario Municipal Board in land use matters.

(e) Removal and Disposal

Clarification of the ability to both remove and dispose of materials in cases where section 15.1(1)(a) above applies (reference proposed s. 15.1(2)).

Comment: Again, the criteria found in (1)(a) will limit the application of these abilities to the highest risk cases, whereas removal and disposal may be the most viable and least costly solution in any case where remedial action is needed. Amendment: Inclusion of "removal and disposal" along with alternatives to disposal should be provided for the occupant, owner, and assistants to the Fire Marshal, in section 21. A time limit, or minimum time limit for response by the owner of goods removed, would also assist in applying the subsection.

(f) Conditions to Orders

Include a requirement for Fire Marshal approval in the exercise of powers under proposed subsections 15.1(1) and 21(2.1), with the ability of the Fire Marshal to add terms and conditions to the exercise of the new powers (reference 15.1(3)).

Comment: Independent verification and approval may be in the public interest and provide for consistency, but could result in significant delay, especially in more remote regions. Amendment: Speed and local autonomy may suggest the development and inclusion of tests that would be applied by the Fire Marshal, with the possibility of delegation to the Fire Chief and other local assistants to the Fire Marshal in areas where proper training or other factors support the delegation. Similar comments and amendments are applicable to special orders proposed under proposed subsection 21(2.1).

(g) Fire Safety Commission

A proposed amendment to section 33, to clarify the ability of the Fire Safety Commission to authorize disposal as a remedial measure, and to section 78 for regulations to deal with particulars

of disposal. Amendment: This should be based upon an amended section 21 as in (d) above. to order removal and disposal. Similarly, removal and disposal powers should be additions to court orders under sections 31 and 32 of the Fire Protection and Prevention Act. That suggests section 78 include proper references to sections 21, 31 and 32, in addition to the proposed references to sections 15.1 and 33. It may also be necessary to include reference to appropriate sections of Part VIII (Cost Recovery) of the Fire Protection and Prevention Act for some of these sections.

(g) Consultation with Municipalities

That the Province include municipalities in the working group to develop the Protocol and Information Package.

Comment: Unless the Province expands its network to include municipalities in a meaningful way in the development of the Information Package and Protocol of responsibilities, the product will have no direct benefit and might create more uncertainty. The issue of dual reporting responsibility of all local Fire Officials must be addressed to the satisfaction of the local councils and those whom they represent. Both the Plastimet and the Equitrade scenarios underscore this dilemma.

(h) Regulation of Business/Industry

The report fails to rely upon prevention of risks and violations, through a registry or regulatory system which allows identification or pre-approval, designed to ensure risks are prevented or reduced.

Comment: The greater flexibility in new enforcement strategy, is extended only towards high fire risk properties and where Fire Marshal approval is required. The lack of funding will provide a strong disincentive to use both new and existing powers, or compromise other fire prevention and protection measures. Funding, along with further amendments and development of approval factors, would provide greater flexibility and the possibility of delegation of the decision to use the new powers. Amendment: A regulatory system be implemented, and should include consideration of fees to support a repair and clean-up fund.

1998 July 7

OFFICE OF THE CITY CLERK

MEMORANDUM

RECEIVED

JUN 22 1998

LAW DEPARTMENT

TO: P. Noé Johnson
City Solicitor
Law Department

W. Shoemaker
Fire Chief
Fire Department

FROM: Mr. J. J. Schatz
City Clerk
City Clerk's Department

PHONE: 546-2727

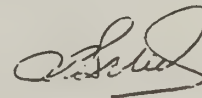
SUBJECT: May 1998 Report on Implementation
of the Fire Marshal's Recommendations
Contained in the Fire Marshal's Report
dated August 21, 1997

DATE: 1998 June 19

City Council meeting as Committee of the Whole on 1998 June 16 directed that the report which is being prepared for the next meeting of the Finance and Administration Committee with respect to the above report of the Ontario Fire Marshal include the following recommendations adopted by Committee of the Whole on 1998 June 16:

- (a) the City of Hamilton recommend the Province of Ontario implement a Provincial Contingency Fund which is wholly self funded by the recycling and waste handling industry through levies or some other similar mechanism (similar to WCB); and
- (b) the Province of Ontario review the minimum fine of \$5,000 and increase said amount in order to ensure a greater level of deterrence.

Would you please take the necessary action to carry out the direction of the Committee of the Whole.



.cc J. Pavelka, Chief Administrative Officer

1998 July 7

Appendix "G" referred to in
Section 44 (d) of the Recommendations
Presented to Council 1998 July 7

1997 October 20

The Honourable Mike Harris
Premier of Ontario
Legislative Building
Queen's Park
Toronto, ON M7A 1A1

RECEIVED

OCT 20 1997

LAW DEPARTMENT

Dear Mr. Premier:

Re: City of Hamilton Project Team Plastimet Fire Report

Please be advised that Hamilton City Council at its meeting held Tuesday, 1997 October 14th approved Section 2 of the Thirteenth Report for 1997 of the Committee of the Whole as follows:

2. That the following recommendations contained within the City of Hamilton Project Team Plastimet Fire Report dated 1997 October 10th be approved:
 - (a) That the Ministry of Environment & Energy be requested to review all recycling operations (existing and proposed) to determine if they require a Certificate of Approval under the Environmental Protection Act, and that recycling operations be licensed and monitored by the Ministry of Environment & Energy in the same manner as waste disposal sites in order to provide a process that can act as another enforcement lever that ensures compliance must be undertaken before a recycler is allowed to operate; and,
 - (b) That the Ministry of Environment & Energy be requested to review their criteria for the requirements of a Certificate of Approval for all recycling industries and industrial operations using products that have potential to cause environmental impairments; and,
 - (c) That when a Certificate of Approval is not deemed to be required by the Ministry of Environment and Energy for manufacturing, recycling and industrial operations, that the Transport and Environment Committee be advised, to ensure that appropriate independent reviews are conducted by City departments and that the Ministry of Environment and Energy be requested to supply any supporting documentation to municipalities dealing with Certificates of Approval applications including non-requirement of same; and,

- (d) That, in the continuing absence of provincial legislation to monitor the establishment of manufacturing, recycling and industrial operations in municipalities, that the City of Hamilton establish a business registry in order that city departments can ensure that a proposed business meets all applicable laws administered or enforced by the City; and,
- (e) That City Council request the Office of the Fire Marshal to review the Plastimet fire with a view to enacting specific legislation amending the Ontario Fire Code and the Ontario Building Code to deal with recycling operations in Ontario, specifically, but not limited to plastics recycling; and,
- (f) That City Council request the Province of Ontario to create an Environment Fund to pay for the cost of cleaning contaminated sites where the registered owner cannot be found or is unable to pay for the cleanup; and,
- (g) That the City of Hamilton consider establishing a contingency fund from which expenses incurred during emergencies can be paid; and,
- (h) That due to the closing of the Environmental Compensation Corporation, the Province of Ontario be requested to require industries using hazardous chemicals to pay into a Environmental Compensation Fund, and that the fund pay damages to people who suffer damages due to the escape of hazardous chemicals; and,
- (i) That zoning regulations be reviewed to restrict future hazardous processes involving plastics and any other bulk recycling in or adjacent to existing residential areas in order to prevent any new recyclers locating into existing built up residential areas in concert with its existing review of the Heavy Industrial Zoning and its relationship with residential districts; and,
- (j) That a tender call be issued for the provision of emergency services, equipment and supplies.
- (k) That the City require that each applicant accompanies his/her application for a Certificate of Approval with proof of adequate insurance to address every potential hazard; and,
- (l) That a Pollution Control Sub-Committee, a Sub-Committee of the Transport and Environment Committee, be re-established; and,
- (m) That the City reiterate its position of 1997 July 24th for the need for a public inquiry respecting the Plastimet fire.

1998 July 7

Page Three

You will note that several of the sub-sections of the above noted resolution refer to some of your Provincial Ministries, and I have taken the liberty of providing them with a copy herein of this resolution, as well as the City of Hamilton Project Team Plastimet Fire Report, in order that their appropriate action can be taken.

We look forward to a response from you and your Ministries on our resolution respecting the Plastimet Fire.

Yours very truly,



Robert M. Morrow
Mayor

Attachment.

cc The Honourable Norm Sterling, Minister of the Environment and Government House
Leader, 15th Floor, 135 St. Clair Ave. W., Toronto, ON M4V 1P5

The Honourable Jim Wilson, Minister of Energy, Science & Technology, 4th Floor,
Hearst Block, 900 Bay Street, Toronto, ON M7A 2E1

Mr. Bernie Moyle, Fire Marshal, Office of the Solicitor General and Correctional
Services, Office of the Fire Marshal, Place Nouveau, 5775 Yonge Street, 7th Floor,
North York, ON M2M 4J1

Members of City Council

J. Pavelka, Chief Administrative Officer

Fire Chief Wes Shoemaker

The City of Hamilton Project Team on the Plastimet Fire

Corporate Management Team

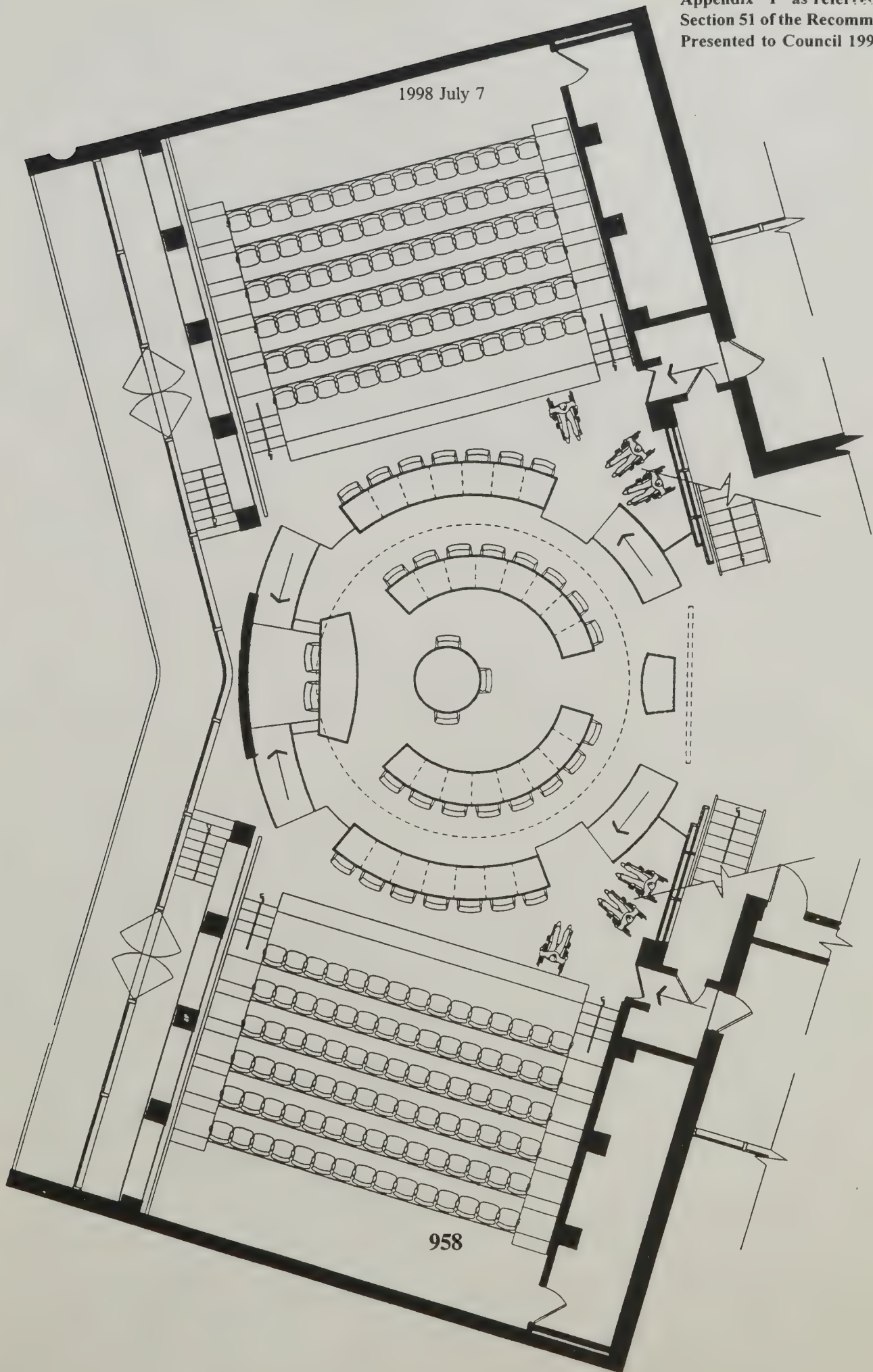
ID	Task Name	Duration	Start	Finish
1	PROJECT TEAM KICK-OFF	17d	Thu 6/4/98	Fri 6/26/98
2	CONFIRM OBJECTIVES	2d	Thu 6/4/98	Fri 6/5/98
3	WRITE PROPOSAL	5d	Wed 6/10/98	Tue 6/16/98
4	PROPOSAL SUBMITTED	0d	Fri 6/19/98	Fri 6/19/98
5	REVIEW WITH CLIENT	1d	Wed 6/24/98	Wed 6/24/98
6	REVISE/MODIFY PLAN	2d	Thu 6/25/98	Fri 6/26/98
7				
8	PUBLICITY PLAN/OUTREACH	52d	Mon 6/29/98	Fri 9/11/98
9	DEFINE OBJECTIVES	3d	Mon 6/29/98	Thu 7/2/98
10	REVIEW WITH STEERING COMMITTEE	1d	Thu 7/2/98	Fri 7/3/98
11	COUNCIL OUTREACH	5d	Mon 7/13/98	Mon 7/20/98
12	DEVELOPERS/OWNERS	8d	Mon 7/20/98	Thu 7/30/98
13	GAS & ELECTRIC UTILITIES	5d	Mon 7/16/98	Fri 7/10/98
14	LOCAL ENGINEERS/ARCHITECTS	5d	Fri 8/28/98	Fri 9/11/98
15	POTENTIAL PARTNERS	10d	Mon 7/20/98	Tue 8/4/98
16				
17	HEAT PLAN SURVEYS/SUBSTATION COSTS	96d	Tue 6/9/98	Mon 10/26/98
18	ACQUIRE MORE DETAILED MAPPING	2d	Tue 6/9/98	Wed 6/10/98
19	DEVELOP INVENTORY SHEETS	10d	Thu 6/11/98	Wed 6/24/98
20	DETERMINE ELECTRICALLY HEATED LOI	4d	Tue 7/21/98	Fri 7/24/98
21	IDENTIFY PRIORITY PROPERTIES	4d	Wed 8/19/98	Tue 8/25/98
22	INSPECTION/SURVEY	10d	Tue 10/13/98	Mon 10/26/98
23	ESTABLISH BUILDING GAS USE	5d	Tue 9/1/98	Wed 9/9/98
24	DETERMINE COOLING LOAD	10d	Tue 8/4/98	Mon 8/17/98
25				
26	MAIN TRANSMISSION LINES	55d	Tue 10/27/98	Wed 1/13/99
27	PRELIMINARY DESIGN (REGION)	30d	Tue 10/27/98	Fri 12/4/98
28	BUDGET MATERIALS (CET)	12d	Mon 12/7/98	Tue 12/22/98
29	COST ESTIMATE	10d	Tue 12/29/98	Wed 1/13/99
30				
31	MAIN HEATING TRANSFER STATION	17d	Mon 7/27/98	Wed 8/19/98
32	COST ESTIMATE AT STELCO	17d	Mon 7/27/98	Wed 8/19/98
33				
34	DISTRIBUTION PIPING	55.69d	Tue 10/27/98	Thu 1/14/99
35	CHECK LOCAL PIPING COSTS	10d	Tue 10/27/98	Mon 1/19/98

1998 July 7

		Qtr 3, 1998												Qtr 4, 1998												Qtr 1, 1999												Qtr 2, 1999											
		Jun	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun											
ID	Task Name	Duration	Start	Finish																																													
36	CHECK PIPE ROUTING WITH REGION	13d	Mon 12/7/98	Thu 12/24/98																																													
37	RE-ESTIMATE DISTRIBUTION PIPING COST	12d	Thu 12/24/98	Thu 1/14/99																																													
38																																																	
39	ENVIRONMENTAL IMPACT ASSESSMENT	90d	Mon 6/29/98	Thu 11/5/98																																													
40	DETERMINE IMPACT ON CO2 EMISSIONS	5d	Tue 10/27/98	Mon 11/2/98																																													
41	ENVIRONMENTAL IMPACT SCREENING	90d	Mon 6/29/98	Thu 11/5/98																																													
42																																																	
43	STUDY TOUR	60d	Fri 8/28/98	Sat 11/21/98																																													
44	SOURCE SURVEY	10d	Fri 8/28/98	Fri 9/11/98																																													
45	TARGET SOURCES	6d	Mon 9/14/98	Mon 9/21/98																																													
46	MEET TARGET SOURCES	8d	Mon 9/28/98	Wed 10/7/98																																													
47	DEVELOP LIST OF PARTICIPANTS	2d	Thu 10/8/98	Fri 10/9/98																																													
48	ORGANIZE TOUR	10d	Tue 10/13/98	Fri 11/13/98																																													
49	TOUR	7d	Sun 11/15/98	Sat 11/21/98																																													
50																																																	
51	SOLICITATION	10d	Tue 10/27/98	Mon 11/9/98																																													
52	DESIGN SOLICITATION	10d	Tue 10/27/98	Mon 11/9/98																																													
53																																																	
54	INTERIM REPORT	17d	Thu 1/14/99	Mon 2/8/99																																													
55	PREPARE REPORT	16d	Thu 1/14/99	Fri 2/5/99																																													
56	APPROVED BY COUNCIL	1d	Fri 2/5/99	Mon 2/8/99																																													
57																																																	
58	ENERGY SOURCE SELECTION	94d	Mon 2/8/99	Fri 6/18/99																																													
59	NOTIFY PROPONENTS	2d	Mon 2/8/99	Wed 2/10/99																																													
60	CALL FOR PREQUALIFICATIONS	15d	Wed 2/10/99	Wed 3/3/99																																													
61	SELECT SHORT LIST	2d	Wed 3/3/99	Fri 3/5/99																																													
62	CALL FOR DETAILED BID	40d	Fri 3/5/99	Fri 4/30/99																																													
63	REVIEW SUBMISSIONS	10d	Fri 4/30/99	Fri 5/14/99																																													
64	NEGOTIATE WITH BEST	20d	Fri 5/14/99	Fri 6/11/99																																													
65	AWARD	5d	Fri 6/11/99	Fri 6/18/99																																													

957

1998 July 7



CAY ON HBL AOS
M21
1998

1998 July 9

Minutes of Hamilton City Council
Thursday, 1998 July 9
3:00 o'clock p.m.
Council Chamber, City Hall

The Council met:

Present: Aldermen Kiss, Caplan, Horwath, Corsini, Morelli, Haining, Wilson, Copps, Collins, Eisenberger, Charters, Anderson, D'Amico, O'Sullivan.

Absent: Mayor R. M. Morrow - Vacation
Alderman T. Jackson - Bereavement
Alderman B. Kelly - City Business

Alderman Copps called the formal meeting of City Council to order.

* * * * *

It was moved by Alderman Kiss and seconded by Alderman Caplan that the Report of the Committee of the Whole be now considered in Committee of the Whole. The Council then went into Committee of the Whole with Acting Mayor Copps in the Chair.

Recorded vote.

YEAS: Aldermen Kiss, Caplan, Horwath, Corsini, Haining, Copps, Wilson, Eisenberger, Collins, Charters, Anderson, D'Amico, O'Sullivan. -13.

NAYS: -0.

CARRIED.

COMMITTEE OF THE WHOLE - EIGHTEENTH REPORT

Re: City/Regional Administration- Selection of C.A.O.
York Boulevard Free Parking Program
1998 Budget Revenue and Expenditure Estimates
Zoning and Site Plan Control By-laws

1998 July 9

It was moved by Alderman Kiss and seconded by Alderman Caplan that the Report of the Committee of the Whole be adopted.

Recorded vote.

YEAS: Aldermen Kiss, Caplan, Horwath, Corsini, Haining, Copps, Wilson, Eisenberger, Collins, Charters, Anderson, D'Amico, O'Sullivan. -13.

NAYS: -0.

CARRIED.

* * * * *

City Council then adjourned at 3:10 o'clock p.m.

* * * * *

Taken as read and approved.

**ALDERMAN G. COPPS
ACTING MAYOR**

J. J. Schatz
City Clerk
1998 July 9

REPORT OF THE COMMITTEE OF THE WHOLE

To the Council of the Corporation of the City of Hamilton

Members of Council:

The Committee of the Whole presents its **EIGHTEENTH** Report for 1998 and respectfully recommends:

1. (a) That for the purposes of the consolidation of the City and the Regional Administrations, a Selection Committee composed of the Mayor, Regional Chairman, Chairmen of the City and Regional Standing Committees, Councillor G. Etherington and Alderman D. O'Sullivan, be established to recommend the appointments of the Chief Administrative Officer and Division Heads, and an organizational structure for the combined administrations.
- (b) That resolution No. 76 adopted by City Council at its meeting on July 7, 1998 respecting the Selection Committee, be rescinded.
- (c) That the Region be advised of the adoption of this resolution.
2. (a) That the "Two Hour Free Parking" program in the York Boulevard Parkade, which was originally authorized as a one year initiative until 1998 August 08, be extended until the end of the year; and
- (b) That funding for this program be incorporated into the 1998 Budget estimates.
3. (a) That the 1998 Revenue and Expenditure estimates in the amount of \$164,041,120 incorporating the changes from the various Committee of the Whole meetings April 23, 1998 through to and including July 9, 1998 for the City of Hamilton, and representing a total tax increase of 1.72%, be approved subject to any adjustments due to further provincial initiatives, or related City/Regional tax policies; and,
- (b) That all savings relative to the OMERS employer contribution holiday effective August 1, 1998 to July 31, 1999 be used to replenish the Reserve for Tax Stabilization which is being used to finance severance and transitional costs related to the 1998 Current Budget; and,

- (c) That the necessary by-law(s) to establish the 1998 tax levy rates for the City of Hamilton, on the basis of the foregoing revenue and expenditure estimates and any adjustments as noted above, be prepared once all necessary tax policy decisions have been made by Regional Council and forwarded to Council for appropriate readings.

4. That the following bills be adopted, signed, sealed and enrolled as By-laws:

- (a) C-96 A By-law to amend Zoning By-law No. 6593 respecting Land located east of West 5th Street and North of Stonechurch Road West.
- (b) C-97 A By-law to establish site plan control respecting Land located east of West 5th Street and North of Stonechurch Road West.
- (c) D-44 A By-law to Confirm the Proceedings of the City Council of the Corporation of the City of Hamilton.

RESPECTFULLY SUBMITTED

ALDERMAN G. COPPS, ACTING CHAIRMAN
COMMITTEE OF THE WHOLE

J. J. Schatz, Secretary
1998 July 9

1998 July 30

Minutes of Hamilton City Council
Thursday, 1998 July 30
12:45 o'clock p.m.
Convention Centre

URBAN MUNICIPAL

AUG 5 1998

GOVERNMENT DOCUMENTS

The Council met:

Present: Mayor R. Morrow, Aldermen M. Caplan, A. Horwath, R. Corsini, B. Morelli, D. Haining, D. Wilson, G. Copps, C. Collins, F. Eisenberger, T. Jackson, B. Charters, T. Anderson, B. Kelly, F. D'Amico, D. O'Sullivan.

Absent: Alderman M. Kiss - Vacation

Mayor R. M. Morrow called the meeting to order.

* * * * *

It was moved by Alderman Wilson and seconded by Alderman O'Sullivan that Council move into Committee of the Whole to consider a resolution and by-laws respecting the appointment of a City/Regional Manager for the Combined City/Regional Administration.

Recorded vote.

YEAS: Mayor Morrow, Aldermen Caplan, Horwath, Corsini, Morelli, Haining, Wilson, Copps, Collins, Eisenberger, Jackson, Charters, Anderson, Kelly, D'Amico, O'Sullivan. -16.

NAYS: -0.

CARRIED.

* * * * *

It was moved by Alderman Wilson and seconded by Alderman O'Sullivan that Rule No. 9 of the Procedural By-law be invoked for this meeting of City Council in order to permit consideration of matters not reported upon by the respective Standing Committees.

CARRIED.

* * * * *

It was moved by Alderman Wilson and seconded by Alderman O'Sullivan that the following be approved:

- (a) That Mr. Doug Lychak be appointed City/Regional Manager within Salary Schedule A; and,
- (b) That the Commissioner of Human Resources be authorized and directed to negotiate a contract with Mr. Doug Lychak; and,
- (c) That the Commissioner of Legal Services and the City Solicitor be authorized and directed to prepare the appropriate by-laws appointing Mr. Doug Lychak to the position of City/Regional Manager effective September 1, 1998 to August 31, 2002.

Recorded vote.

YEAS: Aldermen M. Caplan, A. Horwath, R. Corsini, B. Morelli, D. Wilson, G. Copps, C. Collins, F. Eisenberger, T. Jackson, B. Charters, T. Anderson, B. Kelly, F. D'Amico, D. O'Sullivan. -14.

NAYS: Mayor Morrow and Alderman D. Haining. -2.

CARRIED.

* * * * *

It was moved by Alderman Wilson and seconded by Alderman O'Sullivan that the following Bill be adopted, signed, sealed and enrolled as a By-law:

E-13 A By-law to Confirm the Proceedings of the Council of the Corporation of the City of Hamilton.

CARRIED.

* * * * *

It was moved by Alderman Wilson and seconded by Alderman O'Sullivan that the Report of the Committee of the Whole on the resolutions be adopted.

Recorded vote.

YEAS: Mayor Morrow, Aldermen Caplan, Horwath, Corsini, Morelli, Haining, Wilson, Copps, Collins, Eisenberger, Jackson, Charters, Anderson, Kelly, D'Amico, O'Sullivan. -16.

NAYS: -0.

CARRIED.

1998 July 30

* * * * *

City Council then adjourned at 12:50 o'clock p.m.

* * * * *

Taken as read and approved.

MAYOR R. M. MORROW

J. J. Schatz
City Clerk
1998 July 30

1998 August 5

Minutes of Hamilton City Council
Wednesday, 1998 August 5
11:15 o'clock a.m.
Room 233, City Hall

URBAN MUNICIPAL

AUG 18 1998

GOVERNMENT DOCUMENTS

The Council met:

Present: Mayor R. Morrow, Aldermen M. Kiss, M. Caplan, A. Horwath, R. Corsini, B. Morelli, D. Haining, G. Copps, C. Collins, F. Eisenberger, T. Jackson, B. Charters, B. Kelly, F. D'Amico, D. O'Sullivan.

Absent: Alderman D. Wilson - Vacation
Alderman T. Anderson - Vacation

Mayor R. M. Morrow called the meeting to order.

* * * * *

It was moved by Alderman M. Kiss and seconded by Alderman M. Caplan that the Reports of the Transport and Environment Committee and the Planning and Development Committee, be now considered in Committee of the Whole.

Recorded vote.

YEAS: Mayor R. Morrow, Aldermen M. Kiss, M. Caplan, A. Horwath, R. Corsini, B. Morelli, D. Haining, G. Copps, C. Collins, F. Eisenberger, T. Jackson, B. Charters, B. Kelly, F. D'Amico, D. O'Sullivan. -15.

NAYS: -0.

CARRIED.

TRANSPORT AND ENVIRONMENT COMMITTEE - NINTH REPORT

PLANNING AND DEVELOPMENT COMMITTEE - FOURTEENTH REPORT

Section 1 Re: Change in Zoning, 649 Upper James Street

It was moved by Alderman G. Copps and seconded by Alderman M. Kiss that Section 1 of the Fourteenth Report of the Planning and Development Committee be referred back to the Planning and Development Committee.

Recorded vote.

YEAS: Mayor R. Morrow, Aldermen M. Kiss, R. Corsini, G. Copps, C. Collins. -5.

NAYS: Aldermen M. Caplan, A. Horwath, B. Morelli, D. Haining, F. Eisenberger, T. Jackson, B. Charters, B. Kelly, F. D'Amico, D. O'Sullivan. -10. **LOST.**

* * * * *

RESOLUTIONS

Re: Rule No. 9: Sale of Alcoholic Beverages at Mohawk Sports Park

It was moved by Alderman B. Morelli and seconded by Alderman R. Corsini that Rule No. 9 of the Procedural By-law be invoked for this meeting of City Council in order to permit consideration of a resolution respecting the sale of alcoholic beverages at Mohawk Sports Park by the Hamilton Hornets Rugby Football Club. **CARRIED.**

* * * * *

It was moved by Alderman B. Morelli and seconded by Alderman R. Corsini that approval be granted to the Hamilton Hornets Rugby Football Club to sell alcoholic beverages at Mohawk Sports Park on September 4 to 7, 1998 inclusive, by Special Occasion Permit only, and in accordance with the terms and conditions of the License Agreement. **CARRIED.**

* * * * *

It was moved by Alderman M. Kiss and seconded by Alderman M. Caplan that the Report of the Committee of the Whole on the reports of the Transport and Environment Committee and the Planning and Development Committee, be adopted.

1998 August 5

Recorded vote.

YEAS: Mayor R. Morrow, Aldermen M. Kiss, M. Caplan, A. Horwath, R. Corsini, B. Morelli, D. Haining, G. Copps, C. Collins, F. Eisenberger, T. Jackson, B. Charters, B. Kelly, F. D'Amico, D. O'Sullivan. -15.

NAYS: -0.

CARRIED.

* * * * *

City Council then adjourned at 11:30 o'clock a.m.

* * * * *

Taken as read and approved.

MAYOR R. M. MORROW

S. G. Hollowell
Acting City Clerk
1998 August 5

1998 August 5

REPORT OF THE TRANSPORT AND ENVIRONMENT COMMITTEE

To the Council of the Corporation of the City of Hamilton

Members of Council:

The Transport and Environment Committee presents its NINTH Report for 1998 and respectfully recommends:

1. That City Council enact the By-law to alter the roadway of Crockett Street between Upper Gage Avenue and East 31st Street by narrowing the pavement from the existing width of 15.2m to 12.2m.
2. That the following Bill be adopted, signed, sealed and enrolled as a By-law:

A-59 A By-law to Alter Crockett Street between Upper Gage Avenue and East 31st Street by Narrowing the Pavement.

Respectfully Submitted,

**ALDERMAN CHAD COLLINS, CHAIRMAN
TRANSPORT AND ENVIRONMENT COMMITTEE**

**Kevin C. Christenson
Secretary**

1998 August 5

REPORT OF THE PLANNING AND DEVELOPMENT COMMITTEE

To the Council of the Corporation of the City of Hamilton

Members of Council:

The Planning and Development Committee presents its **FOURTEENTH** Report for 1998 and respectfully recommends:

1. That approval be given to Amended Zoning Application ZAC-98-02, 1135193 Ontario Inc. (Hussein Ghaddar), prospective owner, requesting a change in zoning from "E" (Multiple Dwellings, Lodges, Clubs, etc.) District to "H" - 'H' (Community Shopping and Commercial, etc. - Holding) District, modified (Block "1") and from "H" (Community Shopping and Commercial, etc.) District to "H" - 'H' (Community Shopping and Commercial, etc. - Holding) District, modified (Block "2") to permit additional commercial uses, for property located at 649 Upper James Street, as shown on the attached map marked as Appendix "A", on the following basis:
 - (a) That the amending By-law apply the holding provisions of Section 36(1) of the Planning Act, R.S.O., 1990, to the subject lands by introducing the holding symbol 'H' as a suffix to the proposed Zoning District the holding provision will prohibit the development of the subject lands until such time as the owner submits a Record of Site Condition (RSC) to the Region and the Ministry of Environment (MOE), to the satisfaction of the Region, including an acknowledgement of receipt of the RSC from the MOE.

City Council may remove the 'H' symbol, and thereby give effect to the rezoning and modified provision as stipulated in this By-law, by enactment of an amending By-law once the condition is fulfilled; and,
 - (b) That Block "1" be rezoned from "E" (Multiple Dwellings, Lodges, Clubs, etc.) District to "H" - 'H' (Community Shopping and Commercial, etc. - Holding District; and,
 - (c) That Block "2" be rezoned from "H" (Community Shopping and Commercial, etc.) District to "H" - 'H' (Community Shopping and Commercial, etc. - Holding District; and,
 - (d) That the "H" (Community Shopping and Commercial, etc.) District provisions, as contained in Section 14 of Zoning By-law No. 6593, applicable to Blocks "1" and "2", be modified as follows:

- 1) That notwithstanding Section 14(1) of Zoning By-law No. 6593, a restaurant will not be permitted;
 - 2) A minimum 1.5 m wide planting strip shall be provided and maintained along the southerly lot line except for an access driveway;
 - 3) A minimum 3.0 m wide planting strip shall be provided and maintained along the westerly lot line except for an access driveway;"
- (e) That the amending By-law be added to Section 19B of Zoning By-law No. 6598 as Section S-1409, and that the subject lands on Zoning District Map E-7 be notated S-1409; and,
- (f) That By-law No. 70-42, applicable to the subject lands be repealed; and,
- (g) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-7 for presentation to City Council; and,
- (h) That the proposed changes in zoning are in conformity with the Official Plan for the City of Hamilton Planning Area.
2. (a) That approval be given to Amended Zoning Application ZAR-98-21, 1263674 Ontario Inc. and 1280788 Ontario Inc. (M. Sharma), owner, for a modification to the established "C" (Urban Protected Residential, etc.) District, for lands located east of Greenhill Avenue, west of Webster Road and north of the existing railway line in the Nash Orchards Heights South draft approved plan of subdivision, as shown on the attached map marked as Appendix "B", on the following basis:
- (i) That the "C" (Urban Protected Residential, etc.) District regulations as contained in Section 9 of Zoning By-law No. 6593, applicable to the subject lands, be modified to include the following variances, as special requirements:
 - (1) That notwithstanding Section 2.(6) and Section 9.(3)(ii) of Zoning By-law No. 6593, only a portion of one required side yard having a width of not less than 0.60 metres that abuts the wall of an attached garage shall be permitted, except that:
 - (a) in the case of a corner lot, a side yard having a flankage width of not less than 1.2 metres shall be provided and maintained; and,

- (b) where a side yard abuts any other residential district, a side yard of 1.2 metres shall be provided and maintained; and,
 - (b) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-1410, and that the subject lands on Zoning District Map E-18 be notated S-1410; and,
 - (c) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-18 for presentation to City Council; and,
 - (d) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area; and,
 - (e) That the City Solicitor be directed to provide for the establishment of maintenance easements for all lots with 0.60 m sideyard setbacks by the developer as part of the City of Hamilton Subdivision Agreement which is required as a condition of draft plan approval for the "Nash Orchards Heights South" subdivision.
3. That approval be given to Amended Zoning Application ZAC-98-20, Hampshire Properties Limited, owner, requesting a change in zoning from "C" (Urban Protected Residential, etc.) District to "R-4" (Small Lot Single Family Dwelling) District (Blocks "1" and "4") and "R-4" (Small Lot Single Family Dwelling) District, modified (Blocks "2" and "3"), to permit the development of 83 small lot single family detached dwellings, for property located at the rear of 1289 - 1317 Upper James Street, as shown on the attached map marked as Appendix "C", on the following basis:
- (a) That the subject lands (Blocks "1", "2", "3" and "4") be rezoned from "C" (Urban Protected Residential, etc.) District to "R-4" (Small Lot Single Family Dwelling) District; and,
 - (b) That the "R-4" (Small Lot Single Family Dwelling) District regulations, as contained in Section 9A of Zoning By-law No. 6593, applicable to Block "2", be modified to include the following variances as special requirements:
 - (i) That notwithstanding Section 9A(2)(b)(iv), a rear yard having a depth of not less than 6.0 m shall be provided and maintained; and,
 - (ii) That notwithstanding Section 9A(2)(c), a minimum lot width of 10.5 m and a minimum lot area of 307 m² shall be provided and maintained; and,

- (c) That the "R-4" (Small Lot Single Family Dwelling) District regulations, as contained in in Section 9A of Zoning By-law No. 6593, applicable to Block "3", be modified to include the following variances as special requirements:
 - (i) That notwithstanding Section 9A(2)(b)(iv), a rear yard having a depth of not less than 6.0 m shall be provided and maintained; and,
 - (ii) That notwithstanding Section 9A(2)(c), a minimum lot width of 11.0 m and a minimum lot area of 313 m² shall be provided and maintained; and,
 - (d) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Section S-1411, and that the subject lands on Zoning District Map E-9C be notated S-1411; and,
 - (e) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-9C for presentation to City Council; and,
 - (f) That the proposed changes in zoning are in conformity with the Official Plan for the City of Hamilton Planning Area.
- 4.
- (a) That Appendix 'A' to the Downtown Hamilton Community Improvement Plan adopted by By-law 97-140, that describes the terms of the Hamilton Downtown Convert/Renovate-to-Rent Loan Program, be repealed and replaced with Appendix "D" attached; and,
 - (b) That Schedule 'C' to the Downtown Hamilton Community Improvement Plan adopted by By-law 97-140, that describes the terms of the Gore Heritage 2000 Program be repealed and replaced with Appendix "E", attached; and,
 - (c) That Section 9 of the Downtown Hamilton Community Improvement Plan adopted by By-law 97-140 be amended by the addition of the wording shown on Appendix "F", attached; and,
 - (d) That the amendments to the Downtown Hamilton Community Improvement Plan be submitted to the Ministry of Municipal Affairs and Housing for the appropriate approval; and,
 - (e) That the City Solicitor be authorized to prepare the requisite By-law for (a), (b) and (c) above.

5. (a) That the following Community Improvement Plans be amended to incorporate the Tenant Loan/Grant Component of the Commercial Property Improvement Loan Program described in the criteria attached as Appendixes "G", "H" and "I" accordingly:
 - (i) The Concession Street Community Improvement Plan;
 - (ii) The Downtown Hamilton Community Improvement Plan;
 - (iii) The Downtown Hamilton B.I.A. Community Improvement Plan;
 - (iv) The International Village Community Improvement Plan;
 - (v) The Main Street West Community Improvement Plan;
 - (vi) The Ottawa Street Community Improvement Plan;
 - (vii) The Westdale Village Community Improvement Plan;
 - (viii) The Barton General Community Improvement Plan; and,
 - (ix) The Barton Village Community Improvement Plan.
 - (b) That the above Community Improvement Plans be amended to reduce the interest rate to zero percent if the borrower makes all the payments of the principal of the loan. If the borrower defaults the interest rate shall be the rate charged on tax arrears, under Bylaw No. 94-189; and,
 - (c) That the amendments to the above Community Improvement Plans be submitted to the Ministry of Municipal Affairs and Housing for the appropriate approval; and,
 - (d) That the City Solicitor be authorized to prepare the requisite By-law for (a) and (b) above.
6. That a Heritage Permit be approved for the alterations proposed by the owner of 18 Chilton Place, as identified in the elevation drawings dated June 1998 attached hereto and marked as Appendix "J", with the condition that the extension of the front living room window down through the sill course not be included in the Heritage Permit.
 7. That a Heritage Permit be approved for the alterations to the roofline at 712 Main Street East, Hamilton Regional Indian Centre, as referenced in McCallum Sather Architects Inc.'s Drawing No. A3 dated 1998 May, attached hereto and marked as Appendix "K".

8. That notwithstanding the Local Architectural Conservation Advisory Committee's preference that the columns erected at 252 James Street South be removed to protect the architectural integrity of the building, that a Heritage Permit for the erection of columns and a canopy at 252 James Street South be approved based on the proposal received on 1998 June 24 attached hereto and marked as Appendix "L", under the following conditions:
 - (a) that a Building Permit is issued for the proposal; and,
 - (b) that the canopy is not attached to the building; and,
 - (c) that a re-application for approval of a Heritage Permit be made at the time when the canopy is in need of replacement.
9. That the following Bills be adopted, signed, sealed and enrolled as By-laws:
 - (a) C-98 A By-law to Amend Zoning By-law No. 6593 Respecting Lands Located at Municipal Nos. 1016, 1062 and 1088 Upper Paradise Road.
 - (b) C-99 A By-law to Establish Site Plan Control Respecting Lands Located at Municipal Nos. 1016, 1062 and 1088 Upper Paradise Road.
 - (c) C-100 A By-law to Amend By-law No. 97-140 Respecting The Downtown Hamilton Community Improvement Plan.
 - (d) C-101 A By-law to Amend By-law Nos. 98-120 and 98-121 Respecting The Downtown Hamilton Business Improvement Area Community Improvement Plan and The Main Street West Community Improvement Plan.
 - (e) C-102 A By-law to Amend By-law No. 88-12 and By-law No. 98-103 Respecting Barton General Community Improvement Plan and The Barton Village General Community Improvement Plan.
 - (f) C-103 A By-law to Amend By-law Nos. 87-87, 87-88, 87-89, 90-299, 95-11, 95-12 Respecting The Concession Community Improvement Plan, The Downtown Hamilton Community Improvement Plan, The International Village Community Improvement Plan, The Main Street West Community Improvement Plan, The Ottawa Street North Community Improvement Plan and The Westdale Village Community Improvement Plan.

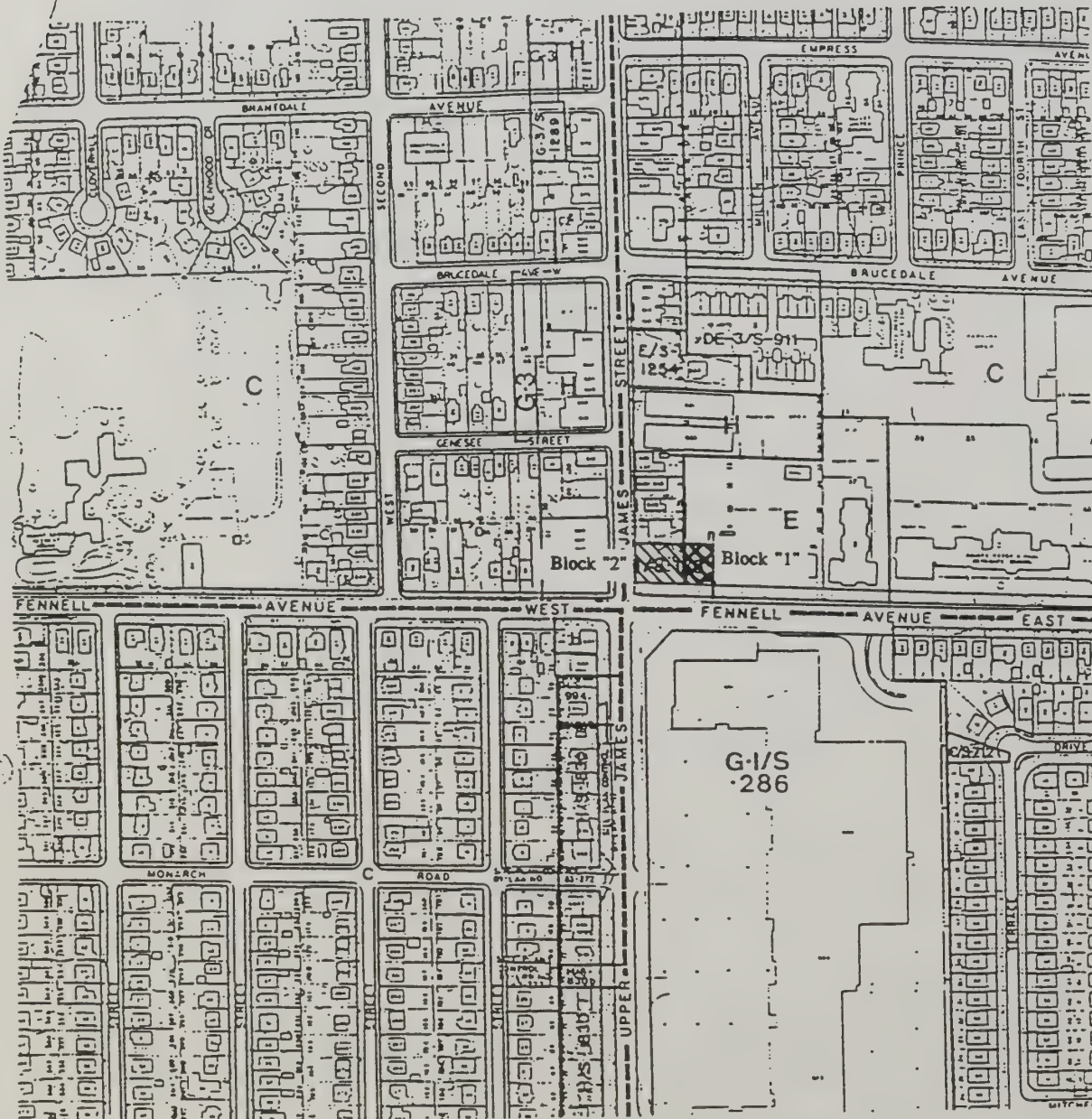
1998 August 5

- (g) C-104 A By-law to Confirm the Proceedings of the Council of the Corporation of the City of Hamilton.

Respectfully submitted,

**ALDERMAN F. D'AMICO, CHAIRMAN
PLANNING AND DEVELOPMENT
COMMITTEE**

**Stella Glover, Acting Secretary
1998 August 5**



Legend

-  Block "1" - Change in zoning from "E" (Multiple Dwellings, Lodges, Clubs, etc.) District to "H" - "H" (Community Shopping and Commercial, etc. - Holding) District
-  Block "2" - Change in zoning from "H" (Community Shopping and Commercial, etc.) District to "H" - "H" (Community Shopping and Commercial, etc. - Holding) District

City of Hamilton

Location Map

Planning and Development Department

North



Scale
NOT TO SCALE

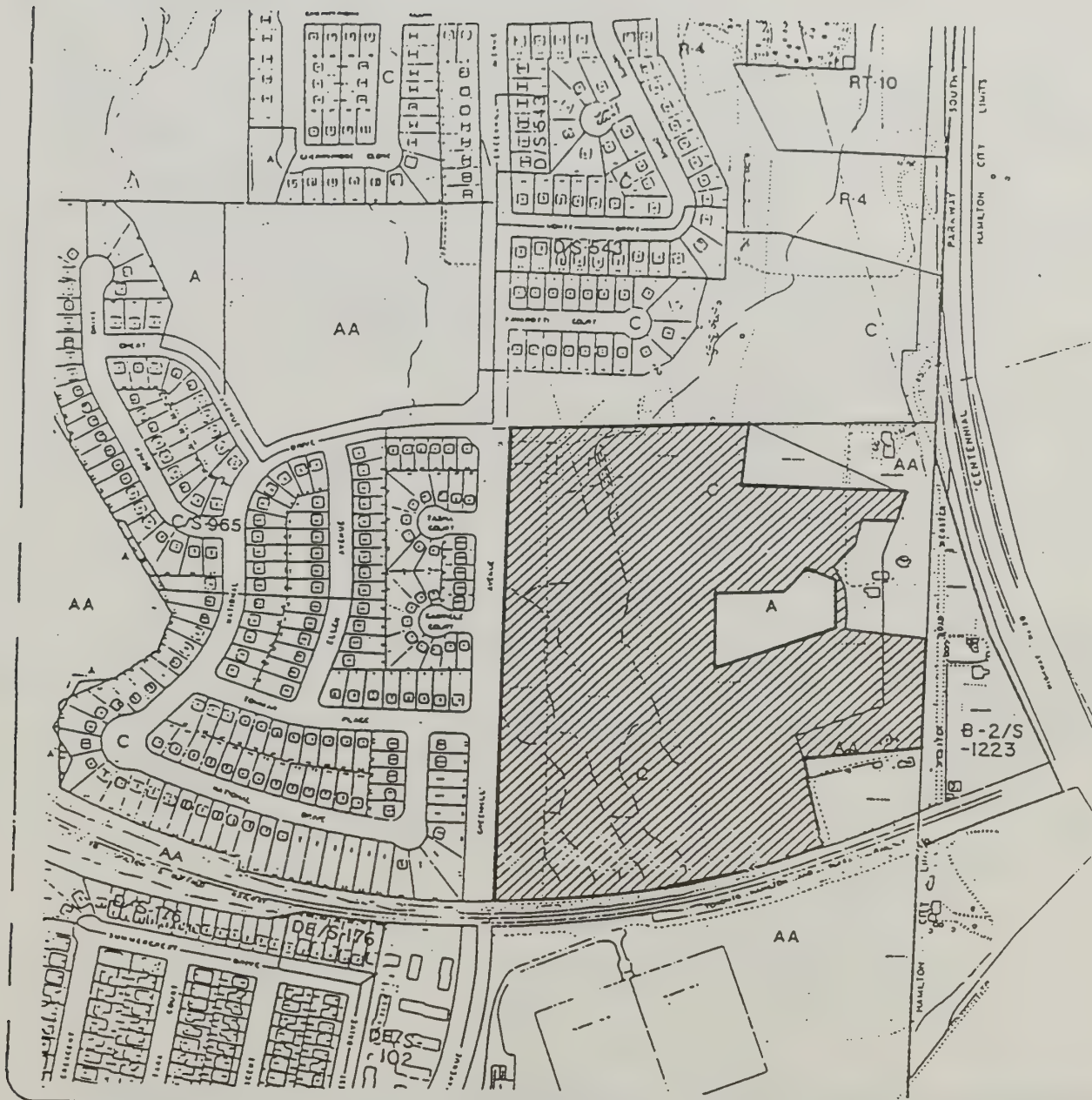
Date
January, 1998

Reference File No.
ZAC-98-02

Drawn By
R.L.

1998 August 5

Appendix "B" referred to in Section 2(a) of the FOURTEENTH Report of the Planning and Development Committee for 1998



Legend



Site of the Application

City of Hamilton

Location Map

Planning and Development Department

North

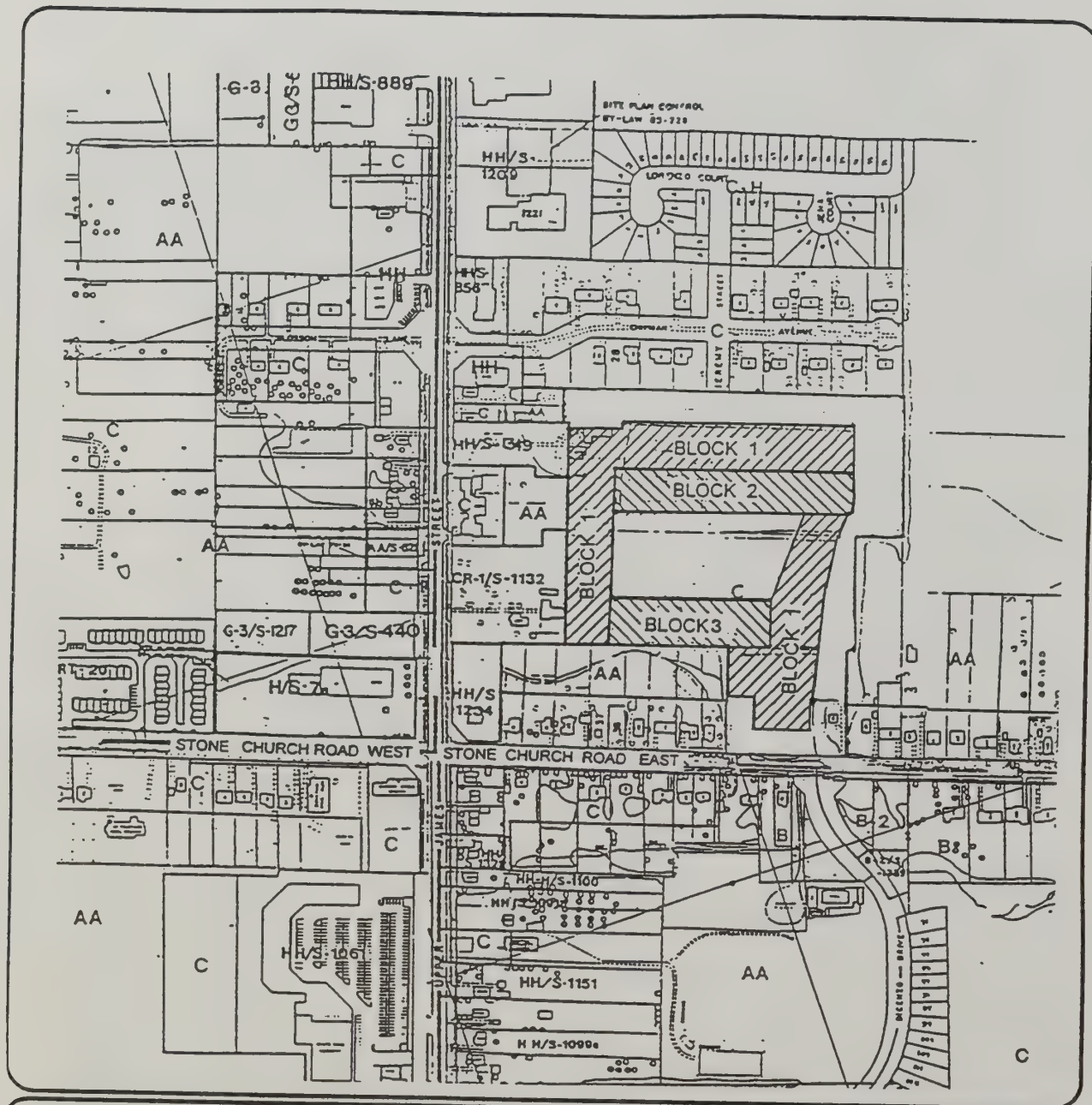


Scale
NOT TO SCALE

Date
May 1998

Reference File No.
ZAR-98-21

Drawn By
D.L.



Legend

BLOCK 1



Change in zoning from "C" (Urban Protected Residential) District to "R-4" (Small Lot Single Family) District.

BLOCKS 2 and 3



Change in zoning from "C" (Urban Protected Residential) District. To "R-4" (Small Lot Single Family Dwelling) District, modified.

City of Hamilton

Location Map

Planning and Development Department

North



Scale
NOT TO SCALE

Reference File number
 ZAC-98-20 Amended

Date
 July 1998

Drawn By
 FAB

**Summary of Terms of Hamilton Downtown
Convert/Renovate to Residential Program**

Lender:	The Corporation of the City of Hamilton.
Duration of loan program:	Until terminated by Council
Loan interest rate:	Zero interest.
Interest on arrears:	13% per annum or such tax arrears interest rate established by Council.
Maximum loan term:	Ten years (subject to prior termination on default). Principal repayable in monthly amounts over 120 months.
Maximum loan:	The lesser of cost or \$12,000 per unit maximum for units 600 sq ft or less. Unit size in excess of 600 sq ft, per unit, qualifies for additional assistance at the rate of \$20 per sq ft to a maximum of \$20,000. Loans are for a maximum of 8 units per deeded property.
Purpose of loan:	Costs of converting upper floors of commercial buildings into apartments or renovations to bring existing apartments into compliance with the Property Standards By-law and Fire Code. The existing apartments must be in commercial buildings.
Security:	Promissory Note and lien on property being improved and/or a collateral mortgage on other property subject to City's minimum equity requirement.
Minimum equity requirement:	Owner shall have not less than 25% equity in the appraised value of the property offered as security, including value of alterations being financed.
Realty taxes:	In good standing at all times.
Eligible costs:	All costs associated with the conversion or renovations to be borne by the applicant including construction, design, appraisal, legal, registration fees. City retains right to assess reasonableness of costs and which costs are eligible for program.
Sale or refinancing of property:	Due in full.
Except as provided above, subject to City's usual lending criteria.	

GORE HERITAGE 2000 PROGRAM

PART A: RESTORE THE BUILDING FACADES

- Purpose:** To transform the public image of the Gore from an ailing inner core into a vibrant, renewed heart of the city through the restoration of its rich and genuinely historic architectural streetscape.
- Eligible Work:** Restoration of the historic facades includes repointing of masonry, repair or replication of the original cornice, windows, and decorative features such as window lintels, finials, cresting, etc., as well as the removal of unauthentic building facing, in accordance with the basic principles of heritage conservation and building improvement established in the Gore Heritage Design Study, approved by Council and "Guidelines for Heritage Conservation in the Gore".

PART B: IMPROVE THE QUALITY OF THE STOREFRONT DESIGN

- Purpose:** To attract pedestrians and businesses by making the Gore an animated, lively busy place again. Improve storefronts to make them attractive and appealing and restore original historic storefronts, where feasible.
- Eligible Work:** Improvement to Storefront Design includes restoring large display windows, repairs to baseboards, transom windows, original columns and entrances, secondary doors, in accordance with the basic principles identified in the Gore Heritage Design Study. Included as eligible costs are the design, production and installation of canopies, in accordance with the established guidelines and any by-law requirements which determine a minimum height, a standard width of projection and traditional location on the front facade.

PART C: IMPROVE THE QUALITY OF THE COMMERCIAL SIGNAGE

- Purpose:** To create downtown commercial signage that animates and enlivens the core and at the same time enhances the architectural quality of the buildings. Regain the special character of the Gore by making signs legible and appropriate to their host building and replacing excessively over-sized signage.
- Eligible Work:** Included in this category are the design, production and installation of commercial signage which is in accordance with the principles of good signage found in the Gore Heritage Design Study and the Signage Guidelines for the Gore. Design of the signage should fit the character of the host building.

SUMMARY OF TERMS OF THE GORE HERITAGE 2000 PROGRAM

- | | | |
|-----|-------------------------------------|--|
| (a) | Grantor | The Corporation of the City of Hamilton. |
| (b) | Initial Grant Capital | \$200,000 City funds. |
| (c) | Type of Program | Matching Grant Program. |
| (d) | Maximum Grant | \$20,000 per property; properties with a frontage of more than 40 foot will be eligible for a matching grant of \$500 per foot to a maximum of \$75,000. |
| (e) | Eligible Applicants | Owners and tenants of a property located within the Gore Area, on King Street East between James Street and Catharine Street which is designated under the Ontario Heritage Act or listed on the Inventory of Buildings of Architectural and/or Historical Interest. Tenants must have permission of the property owner to make changes to a building. |
| (f) | Purpose of Grant | To create a new image of the Gore through a heritage building facade improvement program. The Gore, by virtue of its economic and social importance to the health, image and sustainability of the City, is considered a top priority of downtown revitalization. |
| (g) | Realty Taxes | In good standing at all times. |
| (h) | Eligible Costs | The matching grants can be applied to heritage facade restoration as well as improvement to storefronts and signage, based on the principles established in the <u>Gore Heritage Design Study</u> . |
| (i) | Additional Eligible Programs | The Gore Heritage 2000 Program may be used in conjunction with other funding programs, such as the Hamilton Downtown Convert/Renovate-to-Residential Loan Program, the Commercial Property Improvement Loan Program and the Commercial Heritage Trust Fund. |

(j) **Conditions of Grant**

The project must be fully described in the application form and the eligible items identified and approved before the work commences. The project must be completed as defined in the application form and to a high standard of craftsmanship. In the event of demolition or removal of the funded improvements within the first five years of awarding the grant, the applicant of the grant will be responsible for paying the full amount of the grant back to the City.

nn)

CORE HERITAGE PROGRAM

1. The program will apply to the heritage commercial properties located within the Downtown Hamilton Community Improvement Project Area (Queen Street to Cannon Street to Victoria Avenue to Hunter Street) where a Facade Design Study is approved.
2. Owners and tenants of commercial heritage properties in the Downtown area with no tax arrears are eligible. Properties to be funded must comply with the zoning By-law. Criteria for the tenants shall be that of the owners except that a tenant must have permission of the property owner to make changes to a building.
3. The Core Heritage 2000 Program is a three-part project designed to revitalize the central core by providing matching grants to:
 - (a) restore the historic building facades and in cases of special heritage features, improve the rear and side facades;
 - (b) improve the storefronts and enhance pedestrian amenities through the use of canopies; and,
 - (c) improve the quality of the commercial signage. Proposals must meet the prescribed design criteria.
4. Funding will be in the form of matching grant up to a maximum of \$20,000 per property; properties with a frontage of more than 40 feet will be eligible for a matching grant of \$500 per foot to a maximum of \$75,000. Buildings designated under the Ontario Heritage Act are eligible for an additional \$5,000 matching grant. Design, labour and materials are eligible but not the owners' "sweat equity".
5. In the event of demolition or removal of funded improvements within the first five years of awarding the grant, the owner of the property will be responsible for repaying the full amount of the grant back to the City.
6. Applications will be taken by the Housing and Loans Division of the Building Department. The technical processing of the grant and facade design will be undertaken by the Planning and Development Department, Heritage Planning staff.

During pre-submission meetings, Guidelines for Heritage Restoration, Improving Storefronts and Canopies, and Commercial Signage will be provided to each interested property owner/tenant. Each application will be reviewed by Heritage Planning and an advisory committee, following the procedure established for the Gore Heritage 2000 Program. When the final drawing is submitted and the proposal approved by Council or the C.A.O., the applicant is then entitled to proceed with the project. Approval of the technical work will be done by the Planning and Development Department after a site visit. The Housing and Loans Division will forward the grant money.

7. The Core Heritage 2000 Program demonstrates the City's leadership in a joint public-private funding approach. Joint public-private ventures are needed for long lasting revitalization of the downtown.
8. The Core Heritage 2000 grants can be used in conjunction with other improvement programs such as the Convert/Renovate-to-Rent Loan Program, the Commercial Property Improvement Loan Program and the Community Heritage (loan) Fund, provided the established design criteria are used, to spur on the renewal of the building's interior as well as exterior.
9. The Core Heritage 2000 funding enables small-scale developers to participate in and contribute to downtown revitalization.
10. A greatly enhanced streetscape will help attract more people into the downtown area, the ultimate goal of downtown revitalization.
11. Renovation and restoration work is labour intensive and will serve to create jobs for smaller and more specialized firms.
12. Economic recovery will lead to increased taxes.
13. With this effort to revive and enhance the buildings within the core, the city will demonstrate its long-term commitment to downtown revitalization, its support of the private property owners/tenants who carry the financial responsibility for the core, and its belief in Hamilton's future."

TENANT LOAN GUIDELINES

- 3.0 The following guidelines apply to loans from The Corporation of the City of Hamilton to commercial tenants located within a Community Improvement Area. To be eligible for a loan the tenant must be located in a building that is in a Business Improvement Area and the property occupied by the tenant must be specially assessed or specially assessable for the levy payable to the Board of Management of the respective Business Improvement Area.
- 3.1 Upon receipt of a satisfactory application to the City which meets the criteria of the loan program, including the criteria set out herein, loans may be made by the City for a term not exceeding ten (10) years, at the interest rate charged on tax arrears by the City pursuant to By-law No. 94-189.
- If the borrower makes all the required payments of the loan, the City agrees to forgive the interest portion of the loan. If the borrower does not make all of the payments of the principal portion of the loan, the tax arrears interest rate, as specified by By-law No. 94-189, will accrue on the principal amount outstanding from the date of the payment default.
- 3.2 The interest rate shall be established at time of loan approval. Interest shall commence to run after the Interest Adjustment Date (I.A.D.) namely, the first of the month following full advancement of the loan. Repayment of loans shall be monthly but open to full repayment at any time without notice of penalty.
- 3.3 These loans are solely intended for the tenants who operate a business within the designated Community Improvement Project Areas where the owner's lands are used for non-residential and commercial purposes which, in the opinion of the City,
- (a) are intended for the eligible improvements and expenses contemplated in the Community Improvement Plan as amended herein;
 - (b) fulfil the objectives of the City expressed in the Community Improvement Plan, as amended herein;
 - (c) meet the security/equity and other requirements of the City's loan program including the requirements specified herein.
- 3.4 Loan amounts shall not exceed the sum of \$10,000, in respect of the cost of eligible improvements to each separate location of the tenant under lease from the owner. If a tenant has more than one leasehold interest eligible for this program, the tenant may only receive a maximum of \$30,000.00 in loans under this Program.
- 3.5 In the event the owner of a business within a Business Improvement Area does not own the building, a loan of less than \$5,000 will be secured by a Promissory Note, and for loans greater than \$5,000, a collateral mortgage will be obtained on other real property owned by the tenant. For loans not secured by a collateral mortgage, the City shall have the sole discretion to decide upon a loan amount, which shall be based on the creditworthiness of the applicant and the revenue and expenses of the business.
- 3.6 Loans may be for the following types of improvements and their related expenses:
- interior fixtures, including partitions;
 - interior decorating, including lighting, painting, wallpaper, etc.;
 - built-in showcases, freezers, special plumbing, etc.;
 - signage;
 - related professional fees (architects, engineers, appraisers, lawyers, etc.) and the application fee of the greater of 1.5% of the loan or \$200;

- such other loan program administrative fees fixed by Council from time to time.
- 3.7 Loans shall be advanced only in respect of completed work which has been inspected by the City.
- 3.8 Loans may not be made for expenses such as chattels, (such as tables, chairs, cash registers) nor shall loans be made for rental/owner occupied residential accommodation.
- 3.9 The building envelope, including exterior shell (foundation, exterior walls, roof, fire escapes, chimneys) and major systems, shall be inspected by the Building Department prior to the loan application being considered by the City. Any deficiencies shall qualify for a loan in advance of facade improvements (store fronts, aesthetics, signage, etc.).
- 3.10 The tenant will obtain two estimates for all eligible improvements after the City's inspection of the building. Where an owner personally carries out the work, only the cost of materials is eligible for a loan, upon receipt of invoices.
- 3.11 A report by the Building Department (Housing and Loans Division) on each loan will be made to the Planning and Development Committee and Council for approval. The Committee and the Council have the discretion to allow or not to allow the loan. The recommendation of the Board of Management of the local B.I.A. will be received in respect of the exterior improvement portion of loan applications.
- 3.12 Each borrower shall give the City a promissory note in respect of each loan; and as security for repayment of the loan made by the City, the borrower shall:
 - (i) where the borrower is a limited company, provide the City with the personal guarantee of at least the majority of the owner(s) of the shares, together with documents satisfactory to the City confirming the authorization of the Corporation to apply for the loan and give the loan security to the City;
 - (ii) the tenant must have at least 25% equity, after covering outstanding property encumbrances, including the amount of the City's loan, on the property the tenant grants the City a collateral mortgage;
 - (iii) the tenant may grant the City a collateral mortgage in other property that meets the City's equity requirements, provided the owner's lawyer prepares and certifies to the City, at the owner's expense, the collateral mortgage in a form satisfactory to the City Solicitor;
- 3.13 The borrower shall keep in good standing any taxes or rates levied against the tenant's interest in the property.
- 3.14 The Departmental charge shall be 1 1/2% of the loan or \$200, whichever is more, as an administration fee. This will become an eligible expense on the application.
- 3.15 Upon sale of a property which is secured by a collateral mortgage, the loan is due and payable in full to the City.
- 3.16 All loans become due and payable upon the sale, closing or moving of the borrower's business.

BARTON GENERAL COMMUNITY IMPROVEMENT PLAN**TENANT LOAN GUIDELINES**

5.0 The following guidelines apply to loans from The Corporation of the City of Hamilton to commercial tenants located within the Barton General Community Improvement Plan Area. To be eligible for a loan, the tenant must be located in a building that is in a Business Improvement Area and the property occupied by the tenant must be specially assessed or specially assessable for the levy payable to the Board of Management of the respective Business Improvement Area.

5.1 Upon receipt of a satisfactory application to the City which meets the criteria of the loan program, including the criteria set out herein, loans may be made by the City for a term not exceeding ten (10) years, at the interest rate charged on tax arrears by the City pursuant to By-law No. 94-189.

If the borrower makes all the required payments of the loan, the City agrees to forgive the interest portion of the loan. If the borrower does not make all of the payments of the principal portion of the loan, the tax arrears interest rate, as specified by By-law No. 94-189, will accrue on the principal amount outstanding from the date of the payment default.

5.2 The interest rate shall be established at time of loan approval. Interest shall commence to run after the Interest Adjustment Date (I.A.D.) namely, the first of the month following full advancement of the loan. Repayment of loans shall be monthly but open to full repayment at any time without notice of penalty.

5.3 These loans are solely intended for the tenants who operate a business within the designated Community Improvement Project Areas where the owner's lands are used for non-residential and commercial purposes which, in the opinion of the City,

- (a) are intended for the eligible improvements and expenses contemplated in the Community Improvement Plan as amended herein;
- (b) fulfil the objectives of the City expressed in the Community Improvement Plan, as amended herein;
- (c) meet the security/equity and other requirements of the City's loan program including the requirements specified herein.

5.4 Loan amounts shall not exceed the sum of \$10,000, in respect of the cost of eligible improvements to each separate location of the tenant under lease from the owner. If the tenant has more than one leasehold interest eligible for this program, the tenant may receive only a maximum of \$30,000.00 in loans under the program.

- 5.5 In the event the owner of a business within a Business Improvement Area does not own the building, a loan of less than \$5,000 will be secured by a Promissory Note, and for loans greater than \$5,000, a collateral mortgage will be obtained on other real property owned by the tenant. For loans not secured by a collateral mortgage, the City shall have the sole discretion to decide upon a loan amount, which shall be based on the creditworthiness of the applicant and the revenue and expenses of the business.
- 5.6 Loans may be for the following types of improvements and their related expenses:
- interior fixtures, including partitions;
 - interior decorating, including lighting, painting, wallpaper, etc.;
 - built-in showcases, freezers, special plumbing, etc.;
 - signage;
 - related professional fees (architects, engineers, appraisers, lawyers, etc.) and the application fee of the greater of 1.5% of the loan or \$200;
 - such other loan program administrative fees fixed by Council from time to time.
- 5.7 Loans shall be advanced only in respect of completed work which has been inspected by the City.
- 5.8 Loans may not be made for expenses such as chattels, (such as tables, chairs, cash registers) nor shall loans be made for rental/owner occupied residential accommodation.
- 5.9 The building envelope, including exterior shell (foundation, exterior walls, roof, fire escapes, chimneys) and major systems, shall be inspected by the Building Department prior to the loan application being considered by the City. Any deficiencies shall qualify for a loan in advance of facade improvements (store fronts, aesthetics, signage, etc.).
- 5.10 The tenant will obtain two estimates for all eligible improvements after the City's inspection of the building. Where an owner personally carries out the work, only the cost of materials is eligible for a loan, upon receipt of invoices.
- 5.11 A report by the Building Department (Housing and Loans Division) on each loan will be made to the Planning and Development Committee and Council for approval. The Committee and the Council have the discretion to allow or not to allow the loan. The recommendation of the Board of Management of the local B.I.A. will be received in respect of the exterior improvement portion of loan applications.
- 5.12 Each borrower shall give the City a promissory note in respect of each loan; and as security for repayment of the loan made by the City, the borrower shall:

- (i) where the borrower is a limited company, provide the City with the personal guarantee of at least the majority of the owner(s) of the shares, together with documents satisfactory to the City confirming the authorization of the Corporation to apply for the loan and give the loan security to the City;
 - (ii) the tenant must have at least 25% equity, after covering outstanding property encumbrances, including the amount of the City's loan, on the property the tenant grants the City a collateral mortgage;
 - (iii) the tenant may grant the City a collateral mortgage in other property that meets the City's equity requirements, provided the owner's lawyer prepares and certifies to the City, at the owner's expense, the collateral mortgage in a form satisfactory to the City Solicitor;
- 5.13 The borrower shall keep in good standing any taxes or rates levied against the tenant's interest in the property.
- 5.14 The Departmental charge shall be 1 1/2% of the loan or \$200, whichever is more, as an administration fee. This will become an eligible expense on the application.
- 5.15 Upon sale of a property which is secured by a collateral mortgage, the loan is due and payable in full to the City.
- 5.16 All loans become due and payable upon the sale, closing or moving of the borrower's business.

6.0 Grants to Tenants

The provisions of paragraph 3.0 of Schedule "A" of By-law No. 95-180 to the owners of lands shall apply to grants to the tenants of property located in the Barton General Community Improvement Plan Area with the necessary changes, except as amended by this section.

- 6.1 The maximum grant to a tenant shall be \$5,000. If the tenant has more than one leasehold interest eligible for this program, the tenant may receive only a maximum of \$15,000 in loans under the program.

BARTON VILLAGE COMMUNITY IMPROVEMENT PLAN**TENANT LOAN GUIDELINES**

17. The following guidelines apply to loans from The Corporation of the City of Hamilton to commercial tenants located within the Barton Village Community Improvement Plan Area. To be eligible for a loan, the tenant must be located in a building that is in a Business Improvement Area and the property occupied by the tenant must be specially assessed or specially assessable for the levy payable to the Board of Management of the respective Business Improvement Area.
18. Upon receipt of a satisfactory application to the City which meets the criteria of the loan program, including the criteria set out herein, loans may be made by the City for a term not exceeding ten (10) years, at the interest rate charged on tax arrears by the City pursuant to By-law No. 94-189.

If the borrower makes all the required payments of the loan, the City agrees to forgive the interest portion of the loan. If the borrower does not make all of the payments of the principal portion of the loan, the tax arrears interest rate, as specified by By-law No. 94-189, will accrue on the principal amount outstanding from the date of the payment default.

19. The interest rate shall be established at time of loan approval. Interest shall commence to run after the Interest Adjustment Date (I.A.D.) namely, the first of the month following full advancement of the loan. Repayment of loans shall be monthly but open to full repayment at any time without notice of penalty.
20. These loans are solely intended for the tenants who operate a business within the designated Community Improvement Project Areas where the owner's lands are used for non-residential and commercial purposes which, in the opinion of the City,
 - (a) are intended for the eligible improvements and expenses contemplated in the Community Improvement Plan as amended herein;
 - (b) fulfil the objectives of the City expressed in the Community Improvement Plan, as amended herein;
 - (c) meet the security/equity and other requirements of the City's loan program including the requirements specified herein.

21. Loan amounts shall not exceed the sum of \$10,000, in respect of the cost of eligible improvements to each separate location of the tenant under lease from the owner. If the tenant has more than one leasehold interest eligible for this program, the tenant may receive only a maximum of \$30,000.00 in loans under the program.
22. In the event the owner of a business within a Business Improvement Area does not own the building, a loan of less than \$5,000 will be secured by a Promissory Note, and for loans greater than \$5,000, a collateral mortgage will be obtained on other real property owned by the tenant. For loans not secured by a collateral mortgage, the City shall have the sole discretion to decide upon a loan amount, which shall be based on the creditworthiness of the applicant and the revenue and expenses of the business.
23. Loans may be for the following types of improvements and their related expenses:
 - interior fixtures, including partitions;
 - interior decorating, including lighting, painting, wallpaper, etc.;
 - built-in showcases, freezers, special plumbing, etc.;
 - signage;
 - related professional fees (architects, engineers, appraisers, lawyers, etc.) and the application fee of the greater of 1.5% of the loan or \$200;
 - such other loan program administrative fees fixed by Council from time to time.
24. Loans shall be advanced only in respect of completed work which has been inspected by the City.
25. Loans may not be made for expenses such as chattels, (such as tables, chairs, cash registers) nor shall loans be made for rental/owner occupied residential accommodation.
26. The building envelope, including exterior shell (foundation, exterior walls, roof, fire escapes, chimneys) and major systems, shall be inspected by the Building Department prior to the loan application being considered by the City. Any deficiencies shall qualify for a loan in advance of facade improvements (store fronts, aesthetics, signage, etc.).
27. The tenant will obtain two estimates for all eligible improvements after the City's inspection of the building. Where an owner personally carries out the work, only the cost of materials is eligible for a loan, upon receipt of invoices.

28. A report by the Building Department (Housing and Loans Division) on each loan will be made to the Planning and Development Committee and Council for approval. The Committee and the Council have the discretion to allow or not to allow the loan. The recommendation of the Board of Management of the local B.I.A. will be received in respect of the exterior improvement portion of loan applications.
29. Each borrower shall give the City a promissory note in respect of each loan; and as security for repayment of the loan made by the City, the borrower shall:
 - (i) where the borrower is a limited company, provide the City with the personal guarantee of at least the majority of the owner(s) of the shares, together with documents satisfactory to the City confirming the authorization of the Corporation to apply for the loan and give the loan security to the City;
 - (ii) the tenant must have at least 25% equity, after covering outstanding property encumbrances, including the amount of the City's loan, on the property the tenant grants the City a collateral mortgage;
 - (iii) the tenant may grant the City a collateral mortgage in other property that meets the City's equity requirements, provided the owner's lawyer prepares and certifies to the City, at the owner's expense, the collateral mortgage in a form satisfactory to the City Solicitor;
30. The borrower shall keep in good standing any taxes or rates levied against the tenant's interest in the property.
31. The Departmental charge shall be 1 1/2% of the loan or \$200, whichever is more, as an administration fee. This will become an eligible expense on the application.
32. Upon sale of a property which is secured by a collateral mortgage, the loan is due and payable in full to the City.
33. All loans become due and payable upon the sale, closing or moving of the borrower's business.

34. Grants to Tenants

The provisions of By-law No. 98-103 on grants to the owners of lands shall apply to grants to the tenants of property located in the Barton Village Community Improvement Plan Area with the necessary changes, except as amended by this section.

35. Grant amounts shall not exceed the sum of \$5,000, in respect of the cost of eligible improvements to each separate location of the tenant under lease from the owner. If the tenant has more than one leasehold interest eligible for this program, the tenant may receive only a maximum of \$15,000 in loans under the program.

1998 August 5

Appendix "J" referred to in Section 6 of the
FOURTEENTH Report of the Planning and
Development Committee for 1998



EAST ELEVATION CHILTON PLACE

BRICK STAIRS! WINTER WALK WITH
1/2\"/>

BRICK WALLS - PAINTED
2\"/>

BRICK FRONT DOORS:
REMOVE SILL & MOUNTING FOR NEW WINDOW
REMOVE SILL & MOUNTING FOR NEW WINDOW
REMOVE SILL & MOUNTING FOR NEW WINDOW
REMOVE SILL & MOUNTING FOR NEW WINDOW

REMOVE SILL & MOUNTING FOR NEW WINDOW
REMOVE SILL & MOUNTING FOR NEW WINDOW
REMOVE SILL & MOUNTING FOR NEW WINDOW
REMOVE SILL & MOUNTING FOR NEW WINDOW

DESCRIPTION

REVISIONS

THE CONTRACTOR SHALL
VERIFY ALL DIMENSIONS
ALL ERRORS AND OMISSIONS
ARCHITECT. DO NOT SCALE
DRAWINGS. THIS DRAWING
USED FOR CONSTRUCTION
UNTIL SIGNED BY THE ARCHITECT

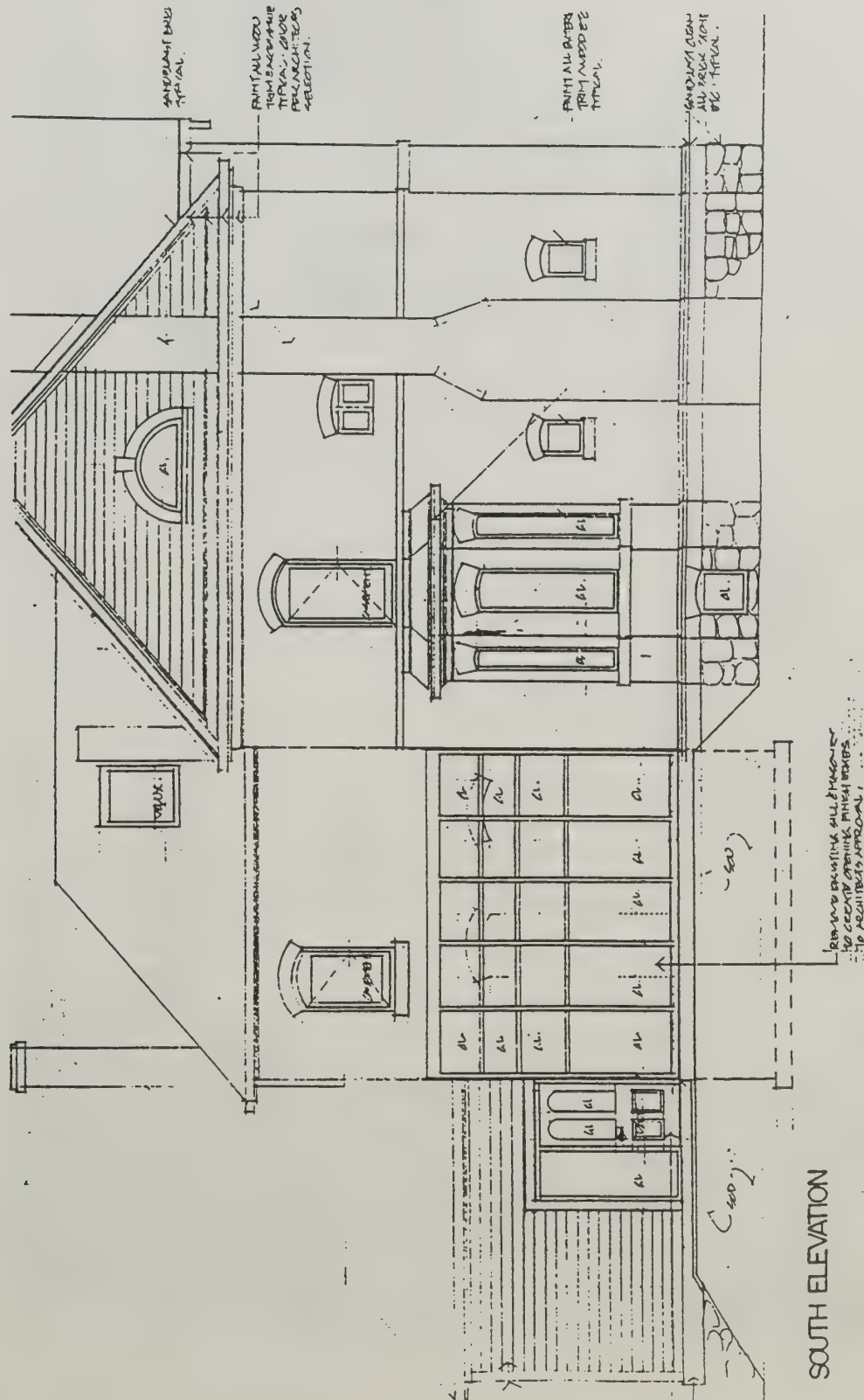
BRUCE
BERGLUND
ARCHITECT

DATE SCALE
JUNE 1/4\"/>

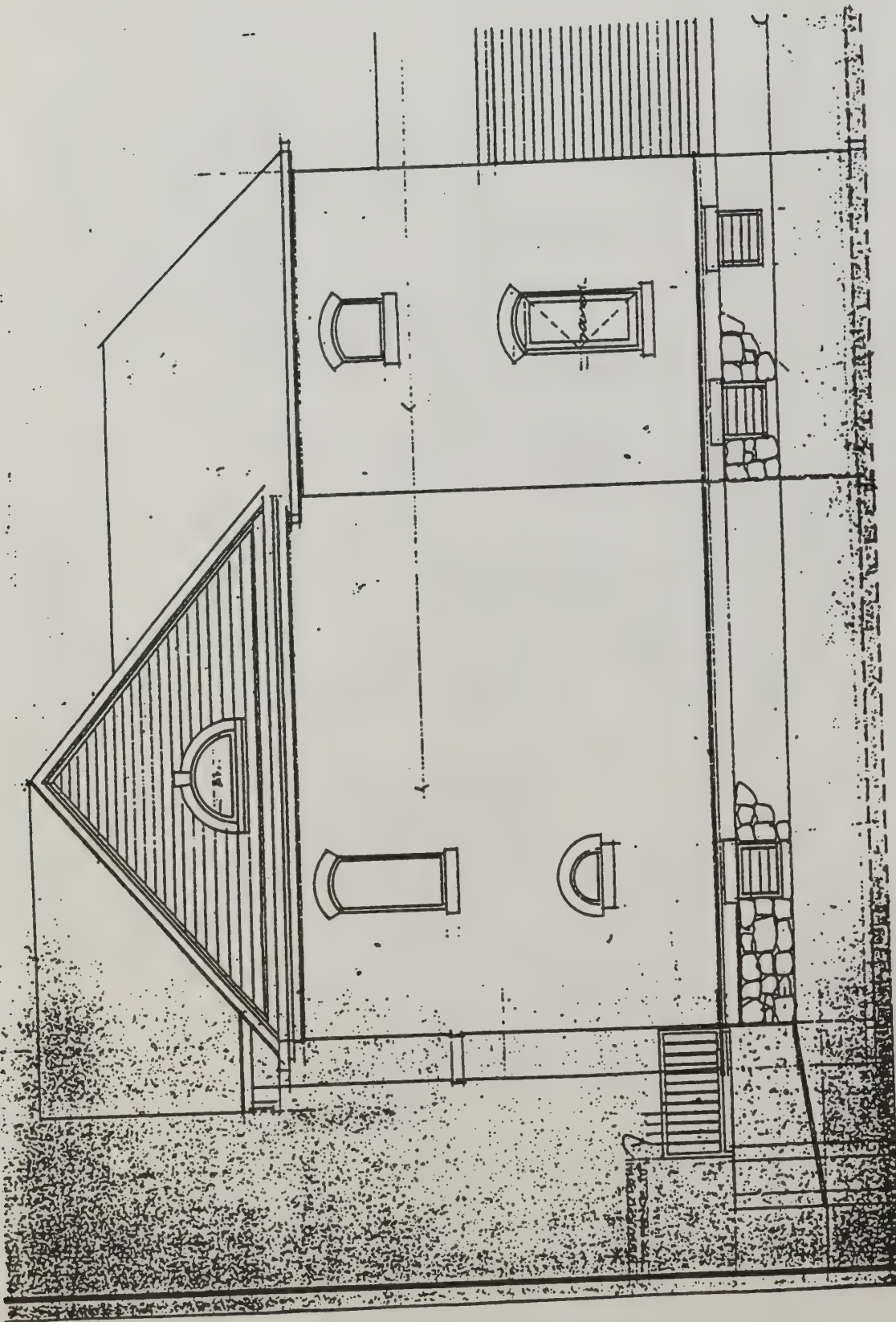
BRETZLER RESIDENCE -
PROJECT

ELEVATIONS
DRAWING

JUL 16 1998

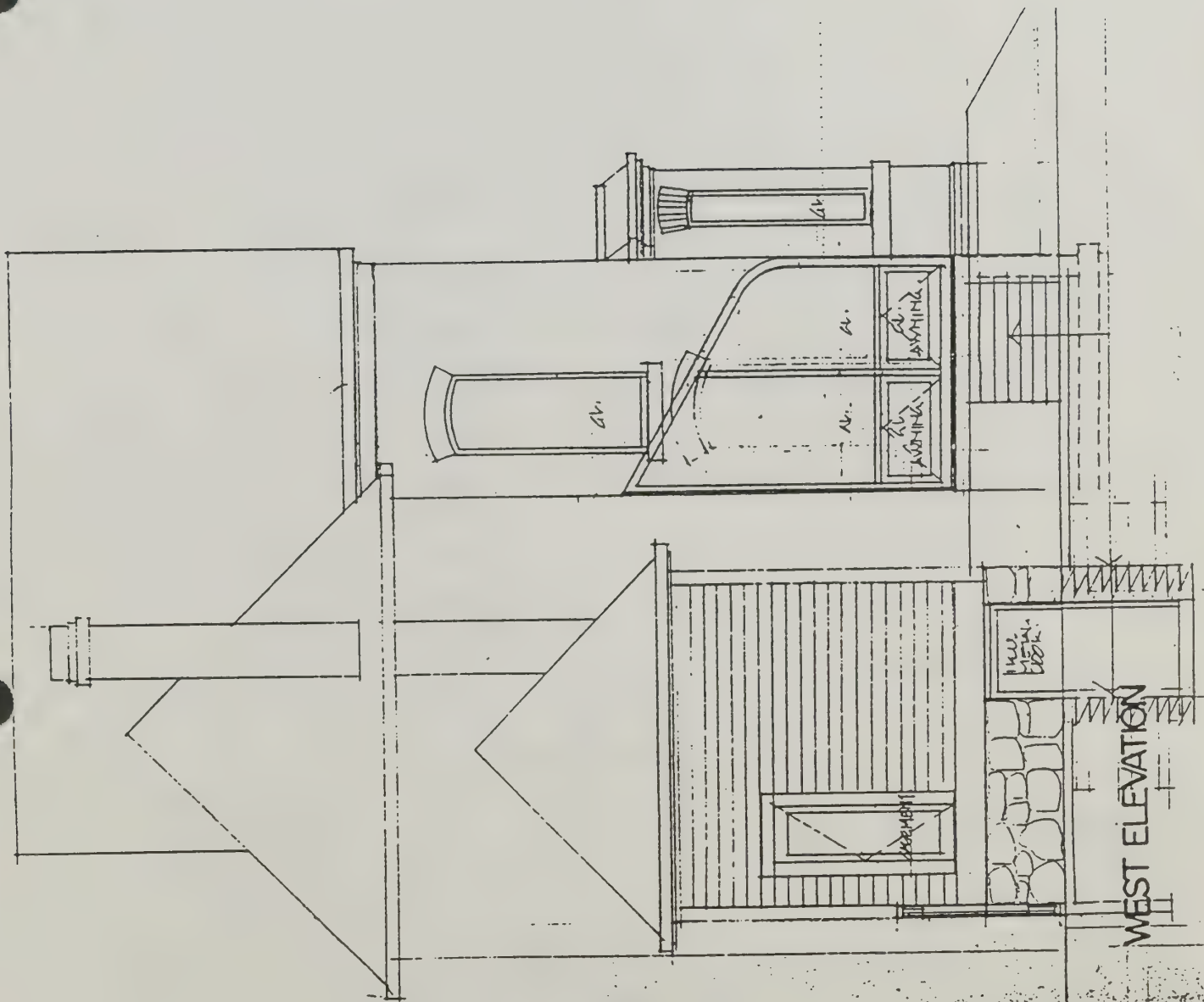


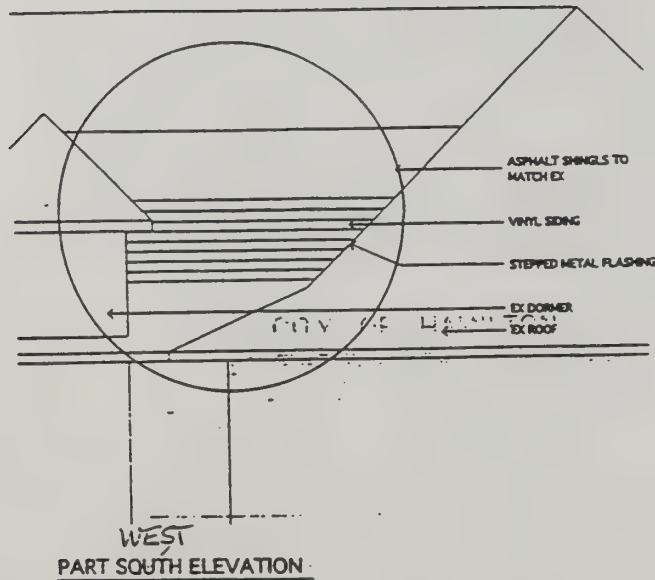
1998 August 5



NORTH ELEVATION

1998 August 5



McCALLUM SATHER
ARCHITECTS INC.

Hamilton, Ontario 905 526 6700

PROJECT NAME

HAMILTON REGIONAL
INDIAN CENTRE
RENOVATIONS TO;
712 MAIN STREET EAST
HAMILTON, ONTARIO

DRAWING TITLE

SECOND FLOOR PLAN
PART SECTION

DRAWN BY

MA

DATE

MAY 1998

CHECKED BY

GS

SCALE

1/8"=1'-0"

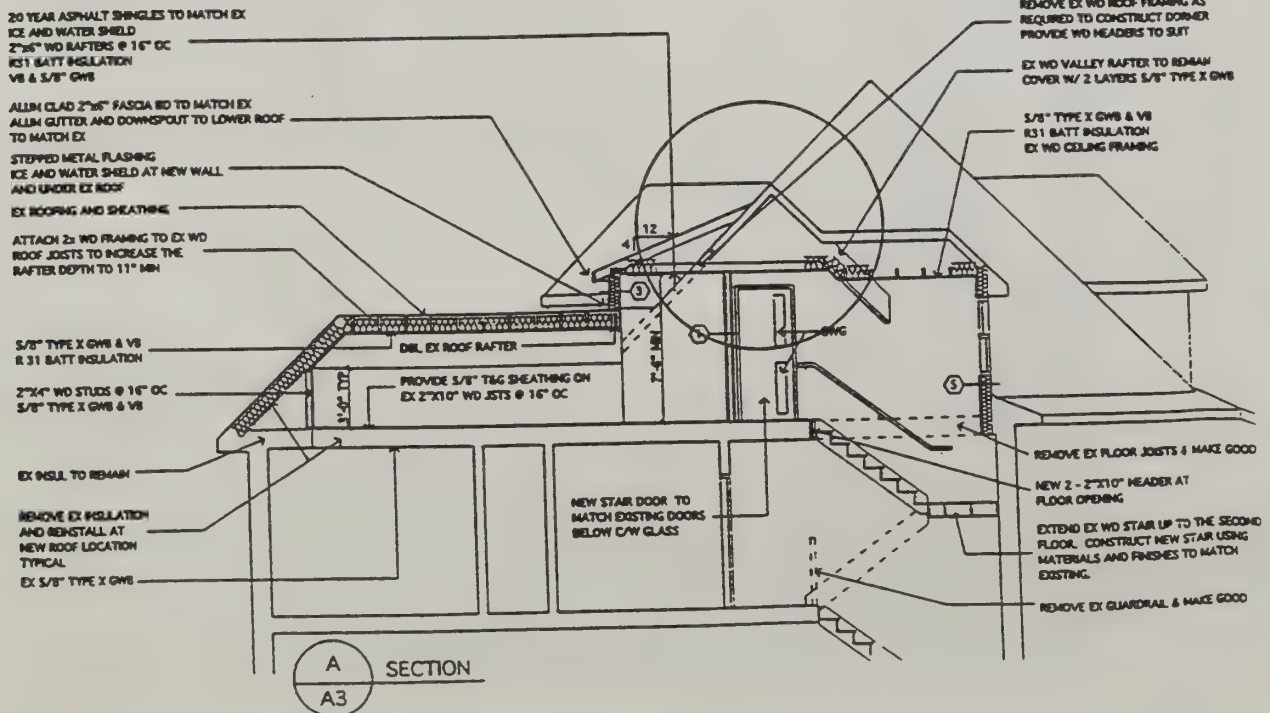
PROJECT NO.

98-07

DRAWING NO.

A3

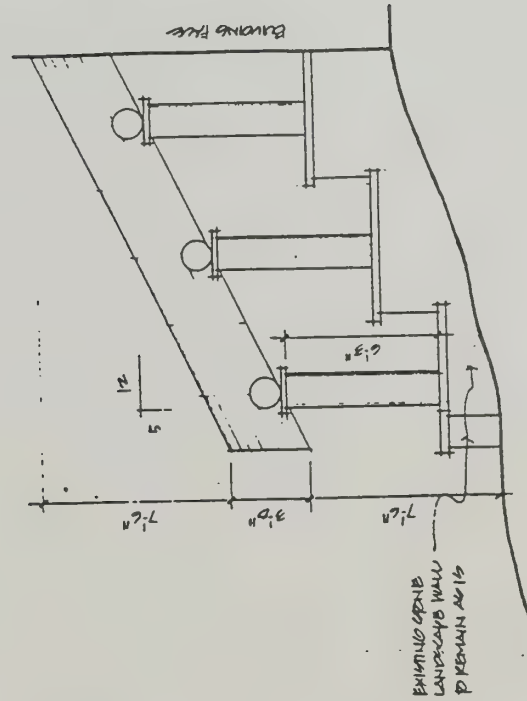
AREAS TO BE ALTERED ARE CIRCLED



EAST/WEST CROSS SECTION

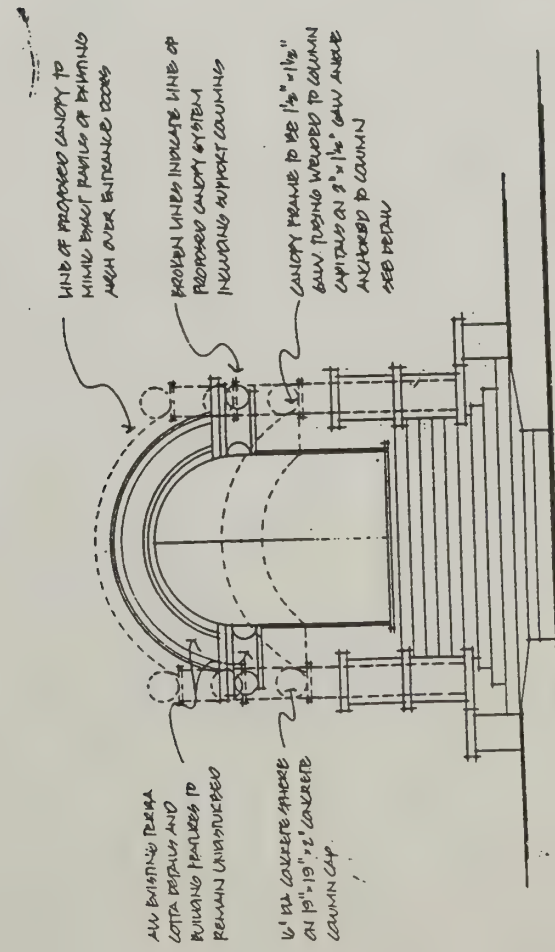
1998 August 5

Appendix "L" referred to in Section 8 of the
FOURTEENTH Report of the Planning and
Development Committee for 1998



SIDE ELEVATION

SCALE: 1/4" = 1'-0"



FRONT ELEVATION

SCALE: 1/4" = 1'-0"

1998 August 12

Minutes of Committee of the Whole\Hamilton City Council
 Wednesday, August 12, 1998
 12:40 o'clock p.m.
 Hamilton Convention Centre

URBAN MUNICIPAL

AUG 24 1998

The Council met:

GOVERNMENT DOCUMENTS

There were present: Mayor R. M. Morrow, Aldermen M. Kiss, M. Caplan, A. Horwath, R. Corsini, B. Morelli, D. Wilson, C. Collins, F. Eisenberger, B. Charters, T. Anderson, B. Kelly, D. O'Sullivan

Absent: Alderman T. Jackson - Vacation
 Alderman D. Haining - Civic Business
 Alderman G. Copps - Civic Business
 Alderman F. D'Amico - Vacation

Mayor R. M. Morrow called the meeting to order.

It was moved by Alderman M. Kiss and seconded by Alderman M. Caplan that the Report of the Committee of the Whole be considered in Committee of the Whole with Mayor R. Morrow in the chair.

Recorded vote.

YEAS: Mayor R. Morrow, Aldermen M. Kiss, M. Caplan, A. Horwath, R. Corsini, B. Morelli, D. Wilson, C. Collins, F. Eisenberger, T. Anderson, B. Charters, B. Kelly, D. O'Sullivan. -13.

NAYS: -0.

CARRIED.

COMMITTEE OF THE WHOLE - NINETEENTH REPORT

1998 Tax Levy
 Tax Levy Notices
 Hamilton Place Theatre - Naming Sponsorship
 Appoint Chairman of the Committee of the Whole
 Amalgamated Structure Chart
 Position of Joint CAO - Title
 Hall of Fame - Tenant Improvements
 Bills

It was moved by Alderman M. Kiss and seconded by Alderman M. Caplan that Alderman F. Eisenberger be appointed Acting Mayor for the month of September, 1998. **CARRIED.**

1998 August 12

It was moved by Alderman M. Kiss and seconded by Alderman M. Caplan that the Report of the Committee of the Whole be adopted.

Recorded vote.

YEAS: Mayor R. Morrow, Aldermen M. Kiss, M. Caplan, A. Horwath, R. Corsini, B. Morelli, D. Wilson, C. Collins, F. Eisenberger, T. Anderson, B. Charters, B. Kelly, D. O'Sullivan. -13

NAYS: -0.

CARRIED

* * * * *

City Council then adjourned at 12:45 o'clock p.m.

* * * * *

Taken as read and approved.

MAYOR R. M. MORROW

**J. J. Schatz,
City Clerk
1998 August 12
/dg**

REPORT OF THE COMMITTEE OF THE WHOLE

To the Council of the Corporation of the City of Hamilton

Members of Council:

The Committee of the Whole presents its **NINETEENTH** Report for 1998 and respectfully recommends:

1. (a) That the by-law to fix the rates of taxation for Municipal, Regional, Education, Business Improvement Area purposes and the total rates of taxation for the year 1998, be approved; and,

 (b) That Staff be directed to proceed with amendments to the City's Monthly Automatic Payment Plan in order to allow for modification of monthly withdrawal amounts over the period up to 1999 May in keeping with the proposal contained within the report from the City Treasurer to the Committee of the Whole dated 1998 August 12 respecting 1998 Final Tax Levy By-law, and that any necessary by-law amendments to enact such changes be presented to Council for adoption at the 1998 September 8 Council meeting; and,

 (c) That the 1998 Revenue and Expenditures estimates approved by Council 1998 July 9 be amended to \$168,464,240 to reflect the adjustments as described in the Treasurer's report dated August 12.
2. That the City of Hamilton commit to work with the Region to produce a single accompanying document to the upcoming tax bill outlining concerns of both the City and Region respecting provincial downloading, etc.
3. That Alderman D. O'Sullivan be appointed Chairman of the Committee of the Whole for a three month period commencing September.
4. (a) That City Council approve naming sponsorship of Hamilton Place Theatre by the Ron Joyce Foundation in accordance with the terms and conditions set out in Appendix "A"; and,

 (b) That the said Terms and Conditions be incorporated into a formal agreement satisfactory to the City Solicitor, the City Treasurer and the HECFI CEO; and,

 (c) That the Mayor and City Clerk be authorized to execute said Agreement; and,

 (d) That HECFI be directed to facilitate the changes required to fulfil the terms of the Agreement.

5. That the City and Region amalgamated structure attached hereto as Appendix "B", be approved.
6.
 - (a) That the position of joint CAO for the City and the Region be titled City Manager; and,
 - (b) That the City Manager be placed on the payroll of the City of Hamilton; and,
 - (c) That the Joint Selection Committee determine the feasibility of a jointly owned Management Corporation as the employer of employees within the merged administration.
7.
 - (a) That in advance of City Council approving the lease terms and conditions, authorization be given to allow Ontario University Athletics, a prospective tenant for the Hall of Fame building, to commence construction of its tenant improvements; and,
 - (b) That all construction be approved by the Manager of Building Operations and Maintenance Division of the Culture and Recreation Department; and,
 - (c) That Ontario University Athletics provide proof of commercial general insurance in the amount of \$2,000,000 prior to commencing any work.
8. That the following bills be adopted, signed, sealed and enrolled as By-laws:
 - (a) E-14: A By-law to Levy Taxes for the Year 1998.
 - (b) E-15 A By-law to Appoint a Chief Administrative Officer/City Manager for the Corporation of the City of Hamilton.
 - (c) E-16 A By-law to Confirm the Proceedings of the Council of the Corporation of the City of Hamilton.

RESPECTFULLY SUBMITTED

MAYOR R. M. MORROW, CHAIRMAN
COMMITTEE OF THE WHOLE

J. J. Schatz, Secretary
1998 August 12
/dg

1998 August 12
The Ron Joyce Foundation

520 - 9300 Airport Road
Mt. Hope, ON L0R 1N0
(905) 679-2400

Appendix "A" as
referred to in Section
4 of the NINETEENTH
Report of the COMMITTEE
OF THE WHOLE for 1998.

August 11, 1998

Mayor Robert Morrow
The Corporation of the City of Hamilton
71 Main Street, West
Hamilton, Ontario
L8P 4Y5

Dear Mayor Morrow:

Re: Ronald V. Joyce Centre for the Performing Arts

On behalf of the board of Trustees of the Ron Joyce Foundation (the "Foundation"), I am pleased to inform you that the Foundation has approved a donation to the Corporation of The City of Hamilton ("The City") in the amount of \$5,000,000 payable as follows: \$1,200,000 on or before October 1st, 1998 and thereafter the sum of \$200,000 annually on or before October 1st of each year until and including the year 2017.

A condition of this donation is that (the "City") agree to change the name of Hamilton Place Theater to "The Ronald V. Joyce Centre for the Performing Arts at Hamilton Place" (the "Centre") on or before December 31st, 1998.

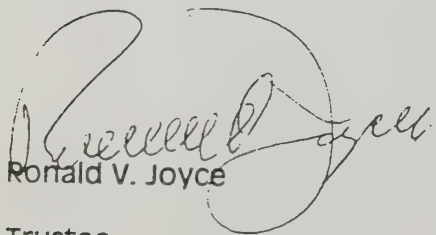
The City agrees not to further change the name of the Centre until after the year 2017, or until such time as the Foundation is unable for whatever reason to continue to make the annual donation as provided above, whichever is earlier.

It is understood and agreed and it is a further condition of this donation that the City, a registered Canadian Charity and therefore the recipient of the donation, acknowledge that all monies donated will be designated wholly and strictly for the maintenance of and/or for improvements to the Centre. The Foundation will require an official tax receipt for each donation issued by the Registered Canadian Charity, including its charitable registration number.

The Trustees are very interested in monitoring the charities to which the Foundation contributes and, accordingly, require audited financial statements of the Centre to be submitted annually to the Trustees not later than six months after the Centre's fiscal year end.

If the City is agreeable with these terms, please indicate by signing below and return a signed copy to the attention of the undersigned.

Yours very truly,



Ronald V. Joyce

Trustee.

The Corporation of the City of Hamilton agrees to be bound by the terms and conditions set out herein.

Per: _____

Name:

Title:

Per: _____

Name:

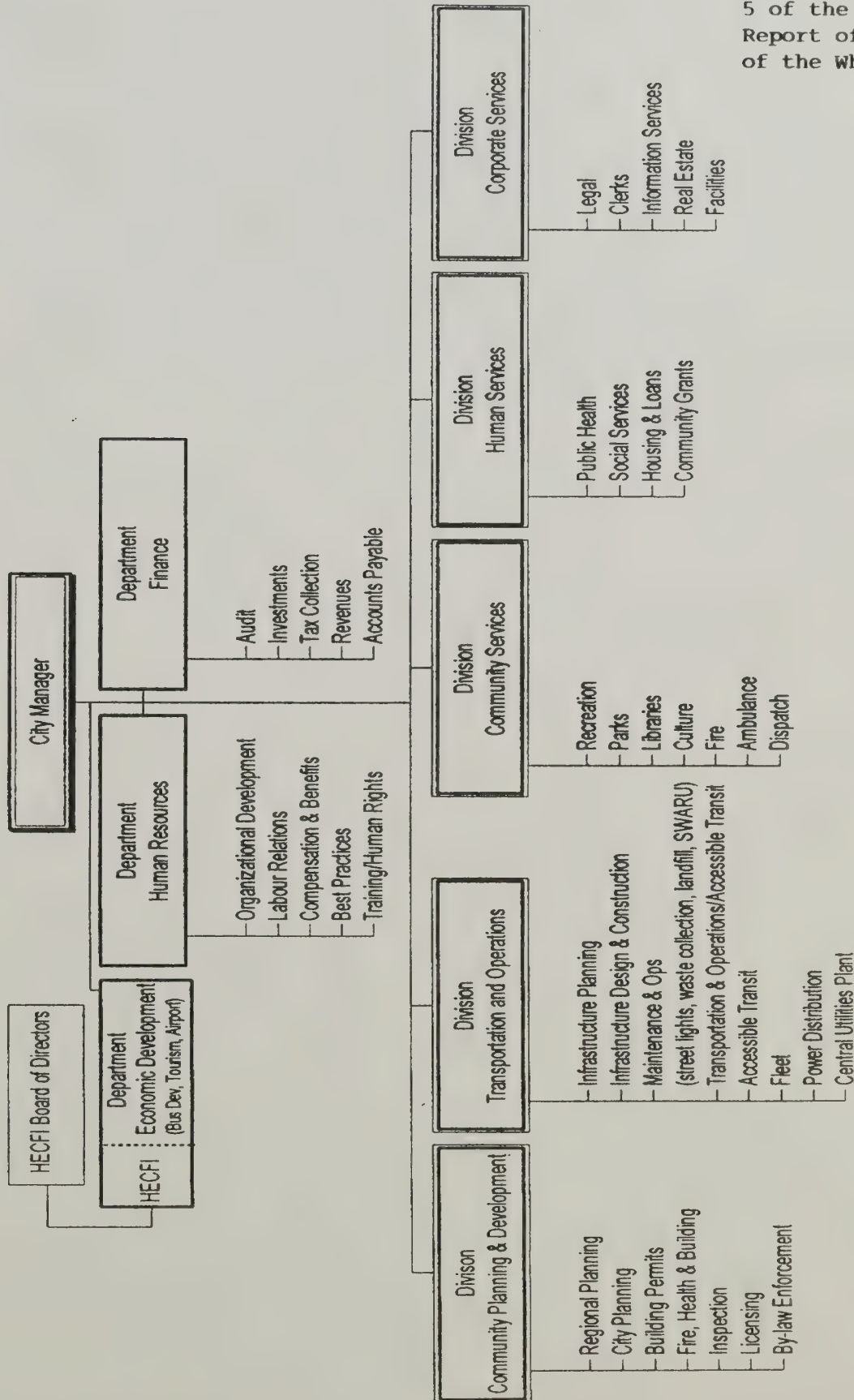
Title:

I/We have the authority to bond the Corporation

/s/
RonJoyce/Hamiltonplace

Cc: Trustees of the Ron Joyce Foundation

Amalgamated Structure



Appendix "B" as referred to in Section 5 of the NINETEENTH Report of the Committee of the Whole for 1998.

CAY ON HBL AOS

M21

1998

1998 September 8

Minutes of Hamilton City Council
Tuesday, 1998 September 8
11:00 o'clock a.m.
Convention Centre

URBAN MUNICIPAL

SEP 17 1998

The Council met:

GOVERNMENT DOCUMENTS

Present: Mayor R. M. Morrow.
Aldermen M. Kiss, M. Caplan, A. Horwath, R. Corsini, B. Morelli, D. Haining, D. Wilson, G. Copps, C. Collins, F. Eisenberger, T. Jackson, B. Charters, T. Anderson, B. Kelly, F. D'Amico, D. O'Sullivan.

Mayor R. M. Morrow called the meeting to order.

CORRESPONDENCE

1. Letter dated 1998 July 13 from the Regional Municipality of Hamilton-Wentworth, respecting the 1998 Budget Review resolution adopted by Regional Council on 1998 July 9.

Referred to Finance and Administration Committee.

2. Information Report dated 1998 August 11 from City Clerk re Appeal to Zoning By-law 98-205, land east of West Fifth and north of Stonechurch Road West.

Received.

3. Application dated 1998 July 15 from George Lima, 1173 Cryphon News, Mississauga, Ontario, for removal of the "H" Holding Provision at 18 Homewood Avenue, Hamilton, Ontario.

Received.

4. Application dated 1998 July 16 from Paletta International Corporation, 4480 Paletta Court, Burlington, Ontario, for a change in zoning from "AA" (Agricultural) District and "C" (Urban Protected Residential, etc.) District to "G-1" (Designed Shopping Centre) District for 1605 Upper Sherman Avenue, Hamilton, Ontario.

Received.

5. Application dated 1998 August 14 from Sisters of Social Service, 88 Fennell Avenue West, Hamilton, Ontario, for a change in zoning from "C" (Urban Protected Residential, etc.) District to "RT-30" (Street-Townhouse) District (Block "1"); "D" (Urban Protected Residential - One and Two Family, etc.) District, modified (Block "2"); "DE-2" (Multiple Dwellings District, modified (Block "3") and "RT-20" (Townhouse-Maisonette) District, modified (Block "4") to permit the development of an "adult lifestyle" community for lands located north of Fennell Avenue West and east of West 5th; and, Subdivision Application dated 1998 August 14 from Sisters of Social Service, 88 Fennell Avenue West, Hamilton, Ontario, "Auchmar Village" to permit the development of the subject lands for 8 lots for semi-detached dwellings, 8 blocks for street townhouse units, 1 block for condominium townhouse units, 1 block for 4 storey apartment building and to establish one street shown as Street "A".

Received.

6. Application dated 1998 August 26 from 1242324 Ontario Inc., 336 Shaver Road, R.R.#1, Jerseyville, Ontario, for a modification to the "H" (Community Shopping and Commercial, etc.) District (Block "1") and "G-1" (Designed Shopping Centre) District (Block "2") for lands at 330 and 342 Dundurn St. S., Hamilton, Ontario.

Received.

7. Letter dated 1998 September 4 from James Aber, Vice President, Sales, Cantel, respecting cellular phone services.

Received.

* * * * *

It was moved by Alderman Kiss and seconded by Alderman Caplan that Council move into Committee of the Whole to consider agenda items. The Council then went into Committee of the Whole on the recommendations with Mayor Morrow in the chair.

Recorded vote.

YEAS: Mayor R. M. Morrow, Aldermen M. Kiss, M. Caplan, A. Horwath, R. Corsini, B. Morelli, D. Haining, D. Wilson, G. Copps, C. Collins, F. Eisenberger, B. Charters, T. Anderson, B. Kelly, F. D'Amico, D. O'Sullivan. -16.

NAYS: -0.

CARRIED.

* * * * *

It was moved by Alderman Kiss and seconded by Alderman Caplan that Rule No. 9 of the Procedural By-law be invoked for this meeting of City Council in order to permit consideration of matters not reported upon by the respective Committees. **CARRIED.**

* * * * *

Recommendation No. 27 Re: Opera Hamilton - Parking Tickets

Recorded vote.

YEAS: Mayor R. M. Morrow, Aldermen M. Kiss, A. Horwath, R. Corsini, B. Morelli, D. Haining, D. Wilson, C. Collins, F. Eisenberger, T. Jackson, B. Charters, T. Anderson, B. Kelly, F. D'Amico, D. O'Sullivan. -15.

NAYS: Alderman Copps. -1.

CARRIED.

* * * * *

Recommendation No. 42 Re: Alcohol in Parks - Turner Park

Recorded vote.

YEAS: Mayor R. M. Morrow, Aldermen M. Kiss, M. Caplan, A. Horwath, R. Corsini, B. Morelli, D. Haining, D. Wilson, G. Copps, C. Collins, F. Eisenberger, B. Charters, T. Anderson, B. Kelly, F. D'Amico, D. O'Sullivan. -16.

NAYS: Alderman T. Jackson. -1.

CARRIED.

* * * * *

Recommendation No. 46 Re: Proposed Discovery Centre

It was moved by Alderman Caplan and seconded by Alderman Kiss that Recommendation No. 46, respecting the proposed Discovery Centre, be referred to the Parks and Recreation Committee for further review, requesting the Conservation Authority to reconsider and reassess their criteria. **CARRIED.**

* * * * *

Recommendation No. 48(b) Re: Hamilton Airport

It was moved by Alderman Copps and seconded by Alderman D'Amico that Recommendation No. 48 be amended by adding the words "including the areas below the escarpment" to Sub-section (b) following the words "City of Hamilton".

- "(b) That the City of Hamilton requests that the portions of the Master Plan addressing the expansion of Runway 06-24 be deferred until such time as the anticipated noise impacts in the City of Hamilton including the areas below the escarpment from this expansion are addressed to Council's satisfaction." **CARRIED.**

* * * * *

Recommendation No. 53 Re: Demolition Permit for 342 Dundurn Street South

It was moved by Alderman Kiss and seconded by Alderman Caplan that Recommendation No. 53, respecting demolition at 342 Dundurn St. S., be referred to the Planning and Development Committee. **CARRIED.**

* * * * *

Recommendation No. 64 Re: Development Charges for 1610 Upper Sherman Avenue

It was moved by Alderman Horwath and seconded by Alderman Morelli that Recommendation No. 64, respecting Development Charges for property at 1610 Upper Sherman Avenue, be referred to the Finance and Administration Committee. **CARRIED.**

* * * * *

Recommendation No. 65 Re: Land Dedication Fees at 181 John Street North

It was moved by Alderman Horwath and seconded by Alderman Corsini that Recommendation No. 65, respecting land dedication fees at 181 John St. N., be referred to the Finance and Administration Committee. **CARRIED.**

* * * * *

Recommendation No. 71 Re: BIA's Request for Funding

It was moved by Alderman Caplan and seconded by Alderman Corsini that Recommendation No. 71, respecting BIA's request for funding, be referred to the Finance and Administration Committee. **CARRIED.**

* * * * *

Recommendation No. 84 Re: Settlement of Clain Action #3583A/93

Recorded vote.

YEAS: Mayor R. M. Morrow, Aldermen M. Kiss, M. Caplan, A. Horwath, R. Corsini, D. Haining, D. Wilson, C. Collins, F. Eisenberger, T. Jackson, B. Charters, T. Anderson, B. Kelly, F. D'Amico, D. O'Sullivan. -15.

NAYS: Alderman G. Copps. -1. **CARRIED.**

* * * * *

It was moved by Alderman Kiss and seconded by Alderman Caplan that the Report of the Committee of the Whole on the recommendations, be adopted.

Recorded vote.

YEAS: Mayor R. M. Morrow, Aldermen M. Kiss, M. Caplan, A. Horwath, R. Corsini, D. Haining, D. Wilson, G. Copps, C. Collins, F. Eisenberger, T. Jackson, B. Charters, T. Anderson, B. Kelly, F. D'Amico, D. O'Sullivan. -16.

NAYS: -0. **CARRIED.**

* * * * *

1998 September 8

City Council adjourned at 2:10 o'clock p.m.

* * * * *

Taken as read and approved.

MAYOR R. M. MORROW

J. J. Schatz
City Clerk
1998 September 8

To the Council of the Corporation of the City of Hamilton

Members of Council:

The following recommendations are presented for consideration:

1.
 - (a) That the garbage collection format for downtown alleys located north of King Street East from James to Wellington and south of King Street East between James and John be amended from the existing twice weekly to a daily Monday to Friday collection commencing 1998 October 5; and,
 - (b) That one packer unit be eliminated from the City Sanitation fleet and be replaced by a one ton crew cab to become the new collection vehicle for these alleys; and,
 - (c) That the responsibility for the collection of garbage from these downtown alleys be relegated to the Streets Division accompanied by the deletion of one Sanitation position and an increase of one position in the Streets Division, District #2 with the accompanying transfer of base funding; and,
 - (d) That Human Resources facilitate the complement change in accordance with the relevant collective bargaining agreement.
2. That purchase orders be issued for Hired Equipment Contractors as listed on Appendix "A" attached hereto, as and when required during 1998, 1999 and 2000 in accordance with the specifications issued by the Treasury Department-Purchasing Division, and that this expenditure be financed through various approved accounts.
3.
 - (a) That the revised rates for trimming and removing trees for Hamilton Hydro as detailed in Appendix "B" attached hereto, be approved for implementation 1999 January 1, with the revenues being used to increase the current budget allocation for tree trimming, Account Centre 60408; and,
 - (b) That the Commissioner of Public Works and Traffic be directed to adjust the traditional seasonal transfer of employees within the Horticultural Section to increase the term of the grid tree trimming program from the existing October 15th to April 1st format to a September 1st to April 15th format.

4. That the Commissioner of Public Works and Traffic be directed to advise the Ministry of Transportation of Ontario that provision be made to keep the Aberdeen Avenue structure partially open for westbound traffic onto Highway 403 during the refurbishing of the structure scheduled for the 1999 Construction Season.
5.
 - (a) That a "Permit Parking" regulation be implemented on the west side of Gibson Avenue commencing at a point 257 feet north of Cannon Street East and extending to a point 18 feet northerly therefrom, and on the east side of Gibson Avenue, commencing at a point 279 feet north of Cannon Street East and extending to a point 17 feet northerly therefrom, and that the City Traffic By-law No. 89-72 be amended accordingly; and,
 - (b) That the Commissioner of Public Works and Traffic be authorized to issue one parking permit to Mrs. Ardell Gulley, No. 103 Gibson Avenue.
6. That a "No Parking, 7:00 a.m. to 4:00 p.m., Monday to Saturday" regulation be implemented on the north side of Beach Road, commencing at a point 61 feet east of Avondale Street and extending to a point 97 feet easterly therefrom, and that the City Traffic By-law No. 89-72 be amended accordingly.
7.
 - (a) That a "Permit Parking" regulation be implemented on the south side of Burlington Street East commencing at a point 121 feet east of Mary Street and extending to a point 24 feet easterly therefrom, and that the City Traffic By-law No. 89-72 be amended accordingly; and,
 - (b) That the Commissioner of Public Works and Traffic be authorized to issue one parking permit to Mr. Joseph Dawson, No. 120 Burlington Street East.
8.
 - (a) That the existing "Permit Parking" regulation on the west side of Ontario Avenue commencing at a point 150 feet south of Stinson Street and extending to a point 24 feet southerly therefrom be removed; and,
 - (b) That a "Permit Parking" regulation be implemented on the east side of Cathcart Street commencing 220 feet south of Cannon Street East and extending to a point 21 feet southerly therefrom; and,
 - (c) That the City Traffic By-law No. 89-72 be amended accordingly.

9. (a) That a "Permit Parking" regulation be implemented on the north side of Clinton Street commencing at a point 60 feet west of the extended west curb line of Ruth Street and extending to a point 19 feet westerly therefrom, and that the City Traffic By-law No. 89-72 be amended accordingly; and,

(b) That the Commissioner of Public Works and Traffic be authorized to issue one parking permit to Mr. Gino DiNarid, No. 29 Clinton Street.
10. That the Commissioner of Public Works and Traffic be authorized to issue, upon request, one Time Limit Exemption Permits to each of the first eight eligible applicants residing in the apartment building at No. 10 Ben Lomond Place.
11. (a) That a "Permit Parking" regulation be implemented on the east side of MacNab Street North between Cannon Street West and Mulberry Street, and that the City Traffic By-law No. 89-72 be amended accordingly; and,

(b) That the Commissioner of Public Works and Traffic be authorized to initially issue one parking permit to Nos. 134, 136, 144, 146, 148 MacNab Street North and 30 Cannon Street West and any additional permits (to a maximum of 6) on a first-come first-served basis.
12. (a) That a "Permit Parking" regulation be implemented on the west side of Douglas Street commencing at a point 101 feet south of Mars Avenue and extending to a point 18 feet southerly therefrom, and that the City Traffic By-law No. 89-72 be amended accordingly; and,

(b) That the Commissioner of Public Works and Traffic be authorized to issue one parking permit to Mr. Ronald Clifford, No. 53 Douglas Street.
13. (a) That a "Permit Parking" regulation be implemented on the east side of Hughson Street North commencing at a point 113 feet north of Robert Street and extending to a point 18 feet northerly therefrom, and that the City Traffic By-law No. 89-72 be amended accordingly; and,

(b) That the Commissioner of Public Works and Traffic be authorized to issue one parking permit to Mr. Robert Cadham, No. 206 Hughson Street North.

14. That the existing "One Hour Parking Time Limit, 8:00 a.m. to 6:00 p.m., Monday to Friday" regulation on the north side of Cannon Street West between Caroline Street North and Hess Street North be revised, such that the regulation is in effect 24 Hours a Day, Seven Days a Week, and that the City Traffic By-law No. 89-72 be amended accordingly.
15.
 - (a) That a "Permit Parking" regulation be implemented on the east side of Julian Avenue commencing at a point 102 feet north of Roxborough Avenue and extending to a point 23 feet northerly therefrom, and that the City Traffic By-law No. 89-72 be amended accordingly; and,
 - (b) That the Commissioner of Public Works and Traffic be authorized to issue one parking permit to Mr. Burrows, No. 136 Julian Avenue.
16.
 - (a) That the existing full-time "No Parking" regulation on the south side of Market Street between Bay Street North and Caroline Street North be revised such that the regulation commences at Bay Street North and extends to a point 326 feet westerly therefrom; and,
 - (b) That a full-time "Two Hour Parking Time Limit" regulation be implemented on the south side of Market Street commencing at Caroline Street North and extending to a point 173 feet easterly therefrom; and,
 - (c) That the City Traffic By-law No. 89-72 be amended accordingly.
17.
 - (a) That a "Permit Parking" regulation be implemented on the north side of Biggar Avenue commencing at a point 449 feet west of Lottridge Street and extending to a point 40 feet westerly therefrom, and that the City Traffic By-law No. 89-72 be amended accordingly; and,
 - (b) That the Commissioner of Public Works and Traffic be authorized to issue one parking permit to Mr. Gordon LeBlanc, No. 55 Biggar Avenue, and one parking permit to Ms. Barbara MacNair, No. 57 Biggar Avenue.
18.
 - (a) That a "Permit Parking" regulation be implemented on the north side of Munroe Street commencing at a point 29 feet west of Hillyard Street and extending to a point 18 feet westerly therefrom, and that the City Traffic By-law No. 89-72 be amended accordingly; and,

- (b) That the Commissioner of Public Works and Traffic be authorized to issue one parking permit to Mrs. Dorothy Hornby, No. 49 Munroe Street.
- 19. That the existing "No Parking" regulation on the west side of Kings Forest Drive commencing at Nova Drive and extending to a point 68 feet northerly therefrom be extended an additional 20 feet northerly, and that the City Traffic By-law No. 89-72 be amended accordingly.
- 20.
 - (a) That a "Permit Parking" regulation be implemented on the north side of Keith Street commencing at a point 116 feet east of Emerald Street North and extending to a point 18 feet easterly therefrom, and that the City Traffic By-law No. 89-72 be amended accordingly; and,
 - (b) That the Commissioner of Public Works and Traffic be authorized to issue one parking permit to Mrs. Maria Botelho, No. 19 Keith Street.
- 21. That the existing "No Parking, 8:00 a.m. to 4:00 p.m., Monday to Friday" regulation on the east side of Myrtle Avenue commencing 167 feet south of Main Street East and extending to a point 20 feet southerly therefrom be removed, and that the City Traffic By-law No. 89-72 be amended accordingly.
- 22.
 - (a) That the existing residential boulevard parking agreement registered as Instrument No. 218784CD to the property at No. 24 Strathcona Avenue South be discharged at the property owner's expense; and,
 - (b) That the applicant be permitted to execute a revised residential boulevard parking agreement to permit two vehicles to be parked partially on the City road allowance; and,
 - (c) That the City Solicitor be authorized and directed to process the documents in relation to the discharge of this agreement.
- 23. That westbound traffic on Supreme Drive be required to stop for northbound and southbound traffic on Acadia Drive, and that the City Traffic By-law No. 89-72 be amended accordingly.

24. That westbound traffic on Abbot Drive be required to stop for northbound and southbound traffic on Abbot Drive/Abbot Court, and that the City Traffic By-law No. 89-72 be amended accordingly.
25. That all-way stop control be implemented at the intersection of Frederick Avenue and Campbell Avenue, and that the City Traffic By-law No. 89-72 be amended accordingly.
26. That northbound traffic on Polaris Court be required to stop for eastbound and westbound traffic on Vineburg Drive, and that the City Traffic By-law No. 89-72 be amended accordingly.
27. That in accordance with the current City Council policy respecting "Parking for Services in Kind" the request of Opera Hamilton to provide four (4) season tickets packages (\$956 value) in exchange for 225 evening passes (\$956 value) at the Convention Centre Parking Facility for the 1998/99 season be approved.

Recorded vote.

YEAS: Mayor R. M. Morrow, Aldermen M. Kiss, A. Horwath, R. Corsini, B. Morelli, D. Haining, D. Wilson, C. Collins, F. Eisenberger, T. Jackson, B. Charters, T. Anderson, B. Kelly, F. D'Amico, D. O'Sullivan. -15.

NAYS: Alderman G. Copps. -1.

CARRIED.

28. That the existing "No Stopping, "Wheelchair Loading Zone, 10:00 a.m. to 4:00 p.m., Monday to Friday" regulation on the east side of Gibson Avenue commencing at a point 32 feet north of Wilson Street and extending to a point 25 feet northerly therefrom be removed, and that the City Traffic By-law No. 89-72 be amended accordingly.
29. That a "Wheelchair Loading Zone, 9:00 a.m. to 9:00 p.m., seven days a week" regulation be implemented on the south side of Wood Street East commencing at a point 125 feet east of Hughson Street North and extending to a point 34 feet easterly therefrom, and that the City Traffic By-law No. 89-72 be amended accordingly.

30. That a full-time "Wheelchair Loading Zone" be implemented on the south side of Primrose Avenue commencing 17 feet west of the extended east curb line of Avondale Street and extending to a point 18 feet westerly therefrom, and that the City Traffic By-law No. 89-72 be amended accordingly.
31. That a "No Parking, 7:00 a.m. to 6:00 p.m., Monday to Friday" regulation be implemented on the south side of Rosemont Avenue commencing at a point 115 feet west of Barnesdale Avenue North and extending to a point 16 feet westerly therefrom, and that the City Traffic By-law No. 89-72 be amended accordingly.
32. That a full-time "Wheelchair Loading Zone" regulation be implemented on the east side of William Street commencing at a point 422 feet north of Barton Street East and extending to a point 12 feet northerly therefrom, and that the City Traffic By-law No. 89-72 be amended accordingly.
33. That the duration of the existing parking meters on the south side of Queensdale Avenue East, east of Upper James Street, be changed from one hour to two hours, and that the City Traffic By-law No. 89-72 be amended accordingly.
34.
 - (a) That the existing residential boulevard parking agreement registered as Instrument No. LT465904 to the property at No. 16 Somerset Avenue be amended at the City's expense; and,
 - (b) That the City Solicitor be authorized and directed to process the documents in relation to the amendment of this agreement.
35. That a "No Stopping" regulation be implemented on the north side of Regal Drive commencing at Rowntree Drive and extending to a point 59 feet easterly therefrom, and that the City Traffic By-law No. 89-72 be amended accordingly.

36. That the applications to retain inadvertent encroachments at the locations listed below be approved during the pleasure of Council, provided:

- (a) That the owners enter into agreements satisfactory to the City Solicitor and Commissioner of Transportation to indemnify and save the City harmless from all actions, causes of action, interests, claims, demands, costs, damages, expenses and loss; and,
- (b) That the Mayor and City Clerk be authorized to execute the City's standard form of agreement; and,
- (c) That the first year fees and subsequent annual fees as noted below, be set for the encroachments.

<u>Location and Municipal Address</u>	<u>Owner</u>	<u>Type of Encroachment</u>	<u>First Year/ Annual Fee</u>
(Robinson Street) 175 Robinson Street	R. Tanaka M. Gibson	Steps Measuring 1.56m x 1.72m	\$185/20
(Fullerton) 10 Fullerton Avenue	D. N. Bui	Steps Measuring 0.86' x 3.00'	\$185/20

37. (a) The following City lands be incorporated into the following street:

- (i) Aquila Place Parts 5 and 6 Plan 62R-8492
- (ii) Bastille Street Parts 6 and 7 Plan 62R-14620 and,

- (b) That the by-laws to carry out the incorporation of the said land into the foregoing streets be prepared to the satisfaction of the City Solicitor and be enacted by Council; and,
- (c) That the Commissioner of Transportation be authorized and directed to register the by-laws.

38. That the following Bills be adopted, signed, sealed and enrolled as By-laws:
- (a) A-60 A By-law to Incorporate City Land Designated as Parts 5 and 6 on Plan 62R-8492 into Aquila Place
 - (b) A-61 A By-law to Incorporate City Land Designated as Parts 6 and 7 on Plan 62R-14620 into Bastille Street
 - (c) A-62 A By-law to Amend Traffic By-law No. 89-72 to Regulate Traffic
 - (d) A-63 A By-law to Amend Traffic By-law No. 89-72 to Regulate Traffic
 - (e) A-64 A By-law to Amend Traffic By-law No. 89-72 to Regulate Traffic
39. (a) That approval be given to issue a purchase order to Northshore Contracting of Ancaster, Ontario in the amount of \$89,993.42 inclusive of (\$5,887.42 GST) for the supply and installation of Fire Alarm, Exit and Emergency Lighting Systems at various Recreation facilities; and,
- (b) That this expenditure be financed from the Capital Fund Account - Risk Management-Various Culture and Recreation Facilities (CF-709755034).
40. That approval as required by Parks By-law No. 95-126 as amended, Section 35 - to bring horses in a park and Section 37 - to bring animals into a park, and to hold carnival rides be given to the Director of Culture and Recreation to host the Pumpkinfest Event, 1998 October 25, in Pier 4 Park, subject to the Terms and Conditions of the Special Events Guidelines.
41. That approval be given of the action taken by the Director of Culture and Recreation, as required by Parks By-law No. 95-126 as amended, Section 35 - to bring horses in a park and Section 37 - to bring animals into a park, to Barton Street Business Improvement Area to host the "Pioneering Spirit" - Community Festival, 1998 August 22, subject to Terms and Conditions of the Special Events Guidelines.

42. That approval, as required by Parks By-law No. 95-126 as amended, Section 11, and under the Standard Terms and Conditions of the Special Events Guidelines, be given to the Bank of Nova Scotia (Scotiabank) to sell food and alcoholic beverages at Turner Park on 1998 September 19, in conjunction with their Charitable Baseball Tournament in support of the United Way.

Recorded vote.

YEAS: Mayor R. M. Morrow, Aldermen M. Kiss, M. Caplan, A. Horwath, R. Corsini, B. Morelli, D. Haining, D. Wilson, G. Copps, C. Collins, F. Eisenberger, B. Charters, T. Anderson, B. Kelly, F. D'Amico, D. O'Sullivan. -16.

NAYS: Alderman T. Jackson. -1.

CARRIED.

43. That approval, as required by Parks By-law No. 95-126 as amended, Section 36 and Section 37 - to bring dogs and animals into a park be given to the Hamilton S.P.C.A. for the annual "Wiggle Waggle Walk-a-thon" event, 1998 September 13, in Bayfront Park, from 10:00 a.m. - 3:00 p.m. subject to the Standard Terms and Conditions of the Special Events Guidelines.
44. That the City Treasurer be directed to close the following Capital Project accounts with any excess funding to be transferred to its original course of funding:

Capital Centre #	Project Description	Authorized Gross Cost	Expended/ Committed to Date	Balance Available	Source of Financing
(a) 639553026	Red Hill Valley Environmental Clean-up	\$ 255,930.65	\$ 255,930.65	\$ 0.00	Waterfront Trust via Hamilton Region Conservation Authority
(b) 639553027	Red Hill Valley Planting/Plantation	\$ 172,500.00	\$ 172,500.00	\$ 0.00	Waterfront Trust via Hamilton Region Conservation Authority

(c) 639553028	Red Hill Valley Trails	\$1,027,044.00	\$1,027,044.00	\$ 0.00	Waterfront Trust via Hamilton Region Conservation Authority
(d) 628643003	Baseball Facilities Development	\$1,500,000.00	\$1,500,000.00	\$ 0.00	Debenture
(e) 629543010	Gore Park Walkway Restoration	\$ 315,000.00	\$ 315,000.00	\$ 0.00	Debenture
(f) 629654020	Bocce, Basketball, Shuffleboard Courts	\$ 50,000.00	\$ 49,990.78	\$ 9.22	Reserve
(g) 419355013	West Harbourfront Redevelopment Study	\$ 307,140.00	\$ 307,135.81	\$ 4.19	Reserve
(h) 419655023	West Harbourfront Development Studies - Phase I	\$ 50,000.00	\$ 50,032.39	-\$ 32.39	Reserve
(i) 629254008	Lighting Safety Improvements	\$ 177,000.00	\$ 176,755.46	\$244.54	Reserve

45. That a purchase order be issued to Wesco Distribution-Canada, Inc., Hamilton, in the amount of \$90,000 for the supply and delivery of light fixtures, as and when required during 1998 for various parks and streets being the lowest of six tenders received in accordance with specifications C16-21-98 issued by the Purchasing Division and Vendor's tender, and be financed from Stock Account No. CH56197 60999.

46. That the Commissioner of Public Works and Traffic be authorized to reply to the request of the Hamilton Region Conservation Authority confirming that the City of Hamilton has no sites available for development of the proposed Discovery Centre, based on criteria outlined in correspondence dated 1998 May 13, from K. Hall.

REFERRED TO PARKS AND RECREATION COMMITTEE.

47. (a) That the Collections Management Policies for Dundurn Castle, Whitehern and the Hamilton Military Museum, dated 1998 July, (available for viewing in the office of the City Clerk), be approved; and,

- (b) That the aforementioned Collections Management Policies be appended to the City of Hamilton Donation Policy.
48. (a) That the City of Hamilton supports the long-term growth of Hamilton Airport and the related economic impacts for the Region;
- (b) That the City of Hamilton requests that the portions of the Master Plan addressing the expansion of Runway 06-24 be deferred until such time as the anticipated noise impacts in the City of Hamilton including the areas below the escarpment from this expansion are addressed to Council's satisfaction;
AMENDED.
- (c) That a public process which includes consultation with the affected communities and stakeholders in the City of Hamilton be included in the resolution of the concerns identified in this report relative to the expansion of Runway 06-24; and,
- (d) That a copy of the report to the Committee of the Whole dated 1998 August 20 be forwarded to the Federal Department of Transport, the Region of Hamilton-Wentworth, the Town of Ancaster, the Township of Glanbrook, and TradePort International Corporation.
49. (a) That The City of Hamilton endorse the Red Hill Creek Watershed Plan - as contained in the "First Generation Plan - Final Draft, April 1998", (available for viewing in the office of the City Clerk; and,
- (b) That the Director of the Planning and Development Department, as the City's stakeholder in the Watershed planning process, be authorized to sign the Watershed Plan, which encourages the City's commitment to working towards the implementation of the actions of the Plan; and,
- (c) That the City Clerk be requested to advise the Regional Clerk of the City's decision.
50. That the Building Commissioner be authorized to issue a demolition permit for 1373 Main Street East in accordance with By-Law 74-290 pursuant to Section 33 of The Planning Act, as amended.

51. That the Building Commissioner be authorized to issue a demolition permit for 95 East 36th Street in accordance with By-Law 74-290 pursuant to Section 33 of The Planning Act, as amended.
52. That the Building Commissioner be authorized to issue a demolition permit for 540 Upper James Street in accordance with By-Law 74-290 pursuant to Section 33 of The Planning Act, as amended.
53. That the Building Commissioner be authorized to issue a demolition permit for 342 Dundurn Street South in accordance with By-Law 74-290 pursuant to Section 33 of The Planning Act, as amended.

REFERRED TO PLANNING AND DEVELOPMENT COMMITTEE.

54.
 - (a) That approval be given to Part Lot Control Application 98-07, 822827 Ontario Inc. (A. Di Silvestro), owner, to remove part-lot control for Lots 1 to 47, inclusive, located in "Wisemount Estates, Phase 9", Registered Plan 62M-836, to permit the creation of easements, as shown on the attached map attached hereto as Appendix "C";
 - (b) That the appropriate by-law, to remove part lot control from Lots 1 to 47, inclusive Registered Plan 62M-836, "Wisemount Estates, Phase 9" plan of subdivision, be enacted by Council;
 - (c) That the exempting by-law be restricted to a 1 year effective time period to expire on September 15, 1999;
 - (d) That following the enactment of this by-law, the Commissioner, Regional Environment Department (as delegate of the Minister of Municipal Affairs and Housing) be requested to grant approval to the by-law and endorse the same on the by-law.
55.
 - (a) That approval be given to Zoning Application 98-31, George Lima, owner, requesting removal of the "H" (Holding) symbol provision under Section 36(1) of the Planning Act, R.S.O., 1990, to permit a maximum of four (4) dwelling units within the existing building located at 18 Homewood Avenue, shown on the map attached hereto as Appendix "D"; and,

- (b) That the Director of the Planning and Development Department be directed to prepare a By-law to amend Zoning By-law No. 6593 as amended by By-law No. 96-139, for presentation to City Council.
56. That the appropriate staff (e.g. Law and Planning and Development Departments) be authorized to attend the Ontario Municipal Board hearing in support of the Committee of Adjustment decision to deny Application No. A-98-116, respecting property located at No. 79 Dana Drive, as shown on the map attached hereto as Appendix "E".
57. (a) (i) That the Corporation of the City of Hamilton enter into an agreement with Cogeco Cable Inc. (formerly Rogers Cable) to formalize the installation of a 3" fibre optic cable installed in 1994 and located in that portion of the MacNab Street truck tunnel, which lies between King Street West and Main Street West, under the City's jurisdiction; and,
- (ii) That approval be given to allow Cogeco Cable Inc. to construct a new 2" fibre optic cable within the MacNab Street truck tunnel; and,
- (b) That an agreement between The Corporation of the City of Hamilton and Cogeco Cable Inc. be entered into, in a form satisfactory to the City Solicitor, prior to the commencement of the installation of the conduits and cables; and,
- (c) That the term of the agreement be at the sole pleasure of City Council and cancellable upon ninety (90) days written notice to Cogeco by the City; and,
- (d) That Cogeco be required to pay a annual fee of \$500 for the existing system plus an additional \$500 annual fee for the new proposed cable and a one time fee of \$500 for administrative costs incurred in the course of arranging this agreement, plus Legal expenses; and,
- (e) That the installation on the City Property be performed to the satisfaction of the Manager of Building Operations and Maintenance Division of the Culture and Recreation Department; and,
- (f) That the Mayor and City Clerk be authorized and directed to execute this agreement on behalf of the City; and,
- (g) That Item 21 of the 14th Report of the Finance and Administration Committee as approved by City Council on 1997 June 24 authorizing Cogeco Cable to install a 2'-7" x 4' equipment pedestal on a portion of the land which Hamilton Place is situated be rescinded.

58. That the following Bills be adopted, signed, sealed and enrolled as By-laws:

C-105 A By-law to remove land within the "Wisemount Estates, Phase 9" Subdivision, Plan 62M-836 from Part Lot Control.

C-106 A By-law to Amend Zoning By-law No. 6593 as Amended by Zoning By-law No. 86-203 respecting Lands located East of Greenhill Avenue, West of Webster Road, and North of the existing Railway Line in the North Orchards Heights South Subdivision.

59. (a) That the request of the Kenilworth Business Association for funding Christmas light installation within its boundaries at an estimated cost of \$22,753. be denied; and,
- (b) That the Kenilworth Business Association be reminded of the "Christmas Display Grant Program" so that they can take advantage of this fund for up to \$1,000; and,
- (c) That the BIA's which have not taken advantage of the "Christmas Display Grant Program" in the past - Main West Esplanda and Barton Village be advised of this program.
60. That the information presented in the report from J. G. Pavelka, Chief Administrative Officer, dated 1998 August 19 respecting the City of Hamilton being awarded \$25,000 from the Ministry of the Solicitor General and Correction Services under the Joint Emergency Preparedness Program (JEPP) funding to revise the Emergency Preparedness Plan be received.
61. (a) That the City of Hamilton submit an application through the Joint Emergency Preparedness Program (JEPP), for the 1999 fiscal year, to provide funding to conduct the following six projects:
- (i) Test the Draft Hamilton Emergency Preparedness Plan using "exercises" and make any required revisions to the Emergency Plan; and,
- (ii) Develop an Emergency Operations Centre (EOC) Procedure, stock the EOC, and conduct EOC training for all key Municipal Officials; and,

- (iii) Develop an Emergency Site Co-ordination Procedure, and conduct training for all key Emergency Site Team members; and,
 - (iv) Develop and Emergency Public Information and Media Plan, an Emergency Public Education Program, and conduct training for all key Public Information staff and Media Spokespeople; and,
 - (v) Revise all Agency and Departmental Emergency Plans to ensure interoperability with the new Hamilton Emergency Plan, and the new Regional Emergency Plan; and,
 - (vi) To stock 3 Emergency Preparedness Depots at the following locations:
 - (1) Chedoke Public Works Yard, (1999); and,
 - (2) Rymal Public Works Yard, (2000); and,
 - (3) Brampton Street Public Works Yard, (2001); and,
 - (b) That the Treasurer recommend the method of financing the gross cost of \$71,822 in 1999, anticipating that the JEPP funding will contribute \$32,320.
62. That authorization be given to place a plaque in City Hall commemorating the 60th Anniversary of the outbreak of World War II on Polish soil, at the expense of and as requested by the Polish Symfonia Choir of Hamilton, in accordance with the approved "Policy on the Acquisition and Display of Plaques, Posters, Memorabilia and Awards in City Hall."
63. That the information presented in the report from G. Desjarlais, Acting Fire Chief dated 1998 August 21, respecting the comparative analysis of the occupancy/operation of Plaza Integrated Env. Ltd., 675 Strathearne Avenue and the former Plastimet site at 363 Wellington Street North be received.
64. That after hearing the enclosure and submission of the complainant, Centre D'Accueil de Hamilton-Wentworth, the Council for the Corporation of the City of Hamilton hereby confirms that the development charges imposed on the property at 1610 Upper Sherman Avenue have been properly imposed pursuant to Development Charges By-law 95-176.

REFERRED TO FINANCE AND ADMINISTRATION COMMITTEE.

65. That after reviewing the evidence of the complainants, Gilbert and Elisabeth DeGreggario, the Council of the City of Hamilton not waive the 5% Land Dedication Fees imposed on the property located at 181 John Street North in the amount of \$1,650. **REFERRED TO FINANCE AND ADMINISTRATION COMMITTEE.**
66. (a) That the Corporation of the City of Hamilton enter into a lease at 50A Jackson Street West with Ontario University Athletics (Rick Morocco) for a five (5) year period commencing 1998 September 1; and,
- (b) That the lease for the above space contain the following terms and conditions:
- (i) Premises: The leased premises are located in the basement of 50A Jackson Street West, and comprises of 924 square feet (formerly occupied by the Hamilton-Municipal Employees Credit Union) and is to be used as an office; and,
 - (ii) Term: Five (5) year term commencing on 1998 September 1; and,
 - (iii) Rent: \$8 per square foot (gross) \$7,392 per annum, \$616 per month; and,
 - (iv) Additional
 - (1) The tenant must pay an additional charge of \$170.17 Rent: per month which amount equates to the elimination of business tax and increase in realty taxes over the 1997 taxes (\$4.04 per square foot). This additional rent will be adjusted annually upon the City of Hamilton setting the new tax rate; and,
 - (2) In addition, as this lease is a gross lease the tenant will be responsible for its share of the increase in operating costs over the 1998 Base year; and,
- (c) That the Mayor and City Clerk be authorized to execute a short term lease agreement in a form satisfactory to the City Solicitor.

67. That the Licence Agreement between the City of Hamilton and Carmen's Catering Ltd. for the provision of food services at the City Hall cafeteria for the period 1997 April 6 to 2000 April 5, which was approved by City Council at its meeting of 1997 April 29 by adopting Section 4 of the Eighth Report of the Finance and Administration Committee, be amended by deleting Carmen's Catering Ltd. and replacing with Carmen's Inc., effective 1998 June 30.
68. That the City's business tax collection procedures be revised to provide for the assignment of all outstanding business tax accounts to the bailiffs, for which immediate collection action is required, where staff or the collection agency have been unable to secure payment or satisfactory payment arrangements on the account.
69. That Bell Mobility supply and deliver wireless communication network and Teletron Communications Inc. (Hamilton) supply and deliver wireless communication hardware for the City of Hamilton for various City departments as and when required in accordance with specifications issued by the Purchasing Section and the vendor's tender and to be financed through various approved accounts.

Analogue Wireless Communication Network:

Monthly charge \$24.47/Phone

Peak Air Time \$ 0.21/Minute

(Above includes 100 minutes free anytime of day per month, message centre and message centre paging)

Digital (PCS) Wireless Communication Network

Monthly charge \$22.50/Phone

Peak Airtime \$ 0.20/Minute

Offpeak Airtime \$ 0.10/Minute

(Above includes 100 minutes free anytime of day per month, 500 1st incoming minute per month) All taxes are extra at 8% PST and 7% GST.

70. That realty and business tax applications processed under Section 443, of The Municipal Act, Chapter 45, Statutes of Ontario, 1990 in the amount of \$38,722.04 be approved and charged to CH55307-24104 Tax Remissions.

71. That the information presented in the report from D. Lobo, Commissioner of Public Works and Traffic, dated 1998 August 18 respecting the BIA's Request for Funding - Commercial Improvement Program be received.

REFERRED TO FINANCE AND ADMINISTRATION COMMITTEE.

72. That a purchase order be issued to Turf Care Products Canada, Ltd. Newmarket, in the amount of \$61,180, including all applicable taxes, for the purchase of two (2) Lightweight Fairway Mowers Units 9872 and 0053 for Fleet Services, being the lowest of two quotations received in accordance with specifications issued by Purchasing and Vendor's tender, to be financed through the Reserve for Mobile Equipment Account Numbers CF5535 649751023 and CF5535 649851037.
73. That the City Treasurer be directed to close the following project account with any excess funding to be transferred to its original source of financing:

Centre Number	Project Description	Gross Cost	Total Expense	Excess	Source of Funding
CH 59001	Eastern Ontario and Quebec Ice Storm Assistance	\$50,000	\$37,576.12	\$12,423.88	Reserve for Contingency Centre # CH 00115

74. (a) That the City's Fair Wage Policy (approved by City Council on 1993 September 28), as item 15 of the Finance & Administration Committee Report FA-18), be amended in accordance with Appendix "F" attached hereto; and,
- (b) (i) That no increases to the wages and benefits, for all positions identified in the City's Fair Wage Schedule will be approved by City Council after 2000 January 1, where the full cost of the wages and benefits exceed the full cost of wages and benefits included for the same or similar position in the Province of Ontario's Fair Wage Schedule and Labour Conditions (Hamilton Zone); and,
- (ii) That the maximum total increase, approved by City Council on or before 2000 January 1, to the wages and benefits identified in the City's Fair Wage Schedule, shall be limited to 4.5% of the current total compensation package; and,
- (c) That subsections (a) and (b) be incorporated into the Corporate Policy Manual.

75. That a By-law To Declare the Hamilton East Kiwanis Boys' and Girls' Club, located at 45 Ellis Avenue, Tax Exempt be enacted by Council.
76. That a By-law to Further Reduce Approved Capital Project Debenture Amounts in the Culture and Recreation Department, Public Works and Traffic Department and the Hamilton Public Library Board by transfers from Reserve Accounts be enacted by Council.
77. That the Penalty Sections of By-laws No. 84-191, the Keeping of Animals, and By-law No. 86-343, Regulation and Control of Cats, be amended.
78. That the following Bills be adopted, signed, sealed and enrolled as By-laws:
 - (a) D-45 A By-law to Declare: 45 Ellis Avenue Tax Exempt.
 - (b) D-46 A By-law to Authorize: A By-law to further reduce Approved Debenture Amounts.
 - (c) D-47 A By-law to Amend: By-law No. 84-191 Respecting the Keeping of Animals and By-law No. 86-343 To Regulate and Control Cats.
79.
 - (a) That an Offer to Purchase Agreement for 647/649 King Street East for the price of \$27,500, executed by Circle M Flamborough Inc. (Tony DiMillo, President), dated 1998 June 23, and scheduled to close on or before 1998 October 8, be accepted. The said lands being composed of Part of Lots 3 and 4 on Plan 43 in the City of Hamilton, Regional Municipality of Hamilton-Wentworth, having a frontage of 11.34 metres (37.23 feet) more or less, along the northern limit of King Street East, and a depth of 33.53 metres (110.0 feet) more or less, comprising an area of 412.01 square metres (4,435.00 square feet) more or less, known municipally as 647 King Street East, Hamilton, with all structures erected thereon, which lands were vested with the Corporation of the City of Hamilton as a consequence of proceedings under the Municipal Tax Sales Act, R.S.O. 1990, Chapter M.60 as amended. Funds derived from this sale of \$27,500, less a commission of \$1,650, plus GST, be credited to Account No. CH 4X501 00102 (Reserve for Property Purchases); and,
 - (b) That the required deposit cheque in the amount of \$2,750 be held by the City Treasurer pending Council approval; and,

- (c) That upon successful completion of this sale, a real estate commission of \$1,650 (6% of the \$27,500 sale price, plus GST) be paid to Chambers & Company Limited (Sales Representative Frank Carravagio), who acted in this matter; and,
 - (d) That the City Clerk be authorized and directed to execute and issue a Certificate of Compliance in the form prescribed pursuant to Section 193 of the Municipal Act incorporating the following:
 - (i) That satisfactory notice has been given to the public of the intended sale; and,
 - (ii) That an appraisal of the fair market value of the real property intended to be sold was obtained on 1998 September 8.
- 80.
- (a) That the City of Hamilton resolve Ontario Court (General Division) Action No. 750/97 by the payment to the Plaintiff, Alice Bertozzi, of the sum of \$28,703.84 inclusive of all claims for damages, interest and costs; and,
 - (b) That the Plaintiff be required to execute a Full and Final Release in a form satisfactory to the City Solicitor; and,
 - (c) That Ontario Court (General Division) Action No. 750/97 be dismissed without costs.
- 81.
- (a) That the City resolve Ontario Court (General Division) Action No. 1962/97 by the payment to the Plaintiff, Sandra Campbell, of the sum of \$7,703 inclusive of all claims for damages, interest and costs; and,
 - (b) That the Plaintiff be required to execute a Full and Final Release in a form satisfactory to the City Solicitor; and,
 - (c) That Ontario Court (General Division) Action No. 1963/97 be dismissed without costs.
- 82.
- (a) That the City resolve Ontario Court (General Division) Action No. 132228/96 by the payment to the Plaintiffs, Charles, Norma, Denise, David, William, Donald and Gower, Olive Gaunt, Alice Upson and Shirley Culp, of the sum of \$18,228.78; and,

- (b) That the Plaintiffs be required to execute a Full and Final Release in a form satisfactory to the City Solicitor; and,
- (c) That Ontario Court (General) Division Action No. 132228/96 be dismissed without costs.

83. That the City make an Offer to Settle in Ontario Court (General Division) Action No. 3583A/93 as follows:

The City of Hamilton offers to settle all outstanding issues in this action on the following terms:

- (a) That the City of Hamilton will contribute \$100,000 to be attributable to the General Damages, Special Damages and Pre-judgment interest of all Plaintiffs in this matter; and,
- (b) That the City will contribute \$25,000 to be attributable to the legal fees, party/party costs and taxable disbursements of the Plaintiffs in this matter; and,
- (c) That the Plaintiffs will be required to execute a Full and Final Release of The Corporation of the City of Hamilton with respect to this matter in a form satisfactory to the City Solicitor; and,
- (d) That this action and any crossclaims by and against The Corporation of the City of Hamilton shall be dismissed, on consent, without costs; and,
- (e) That this Offer remains open for acceptance until the commencement of Trial, or until withdrawn, whichever first occurs.

84. (a) That the City resolve Ontario Court (General Division) Action No. 10117/95 by the payment to the Plaintiff, Anne Comley, of the sum of \$25,188.86 inclusive of all claims for damages, interest and costs; and,
- (b) That the Plaintiff be required to execute a Full and Final Release in a form satisfactory to the City Solicitor; and,
 - (c) That Ontario Court (General Division) Action No. 10117/95 be dismissed without costs.

Recorded vote.

YEAS: Mayor R. M. Morrow, Aldermen M. Kiss, M. Caplan, A. Horwath, R. Corsini, D. Haining, D. Wilson, C. Collins, F. Eisenberger, T. Jackson, B. Charters, T. Anderson, B. Kelly, F. D'Amico, D. O'Sullivan. -15.

NAYS: Alderman G. Copps. -1.

CARRIED.

85. (a) That Council authorize the City to seek standing before the Fire Safety Commission, at a hearing of an appeal by 1215546 Ontario Ltd. et al, of an Order of an Assistant to the Fire Marshal to Pay Costs of Removal and Disposal of combustibles from property located at 231 Gage Avenue North; and,
- (b) That the appropriate staff (e.g. Fire, Treasury and Law Departments) be authorized to attend the Fire Safety Commission Hearing.
86. That Council endorse the actions of the Director of Culture and Recreation in authorizing payment by the City of outstanding liquid chlorine expenses incurred in the operation of Lakeland Pool by the Lakeland Family Pools Association to an upset limit of \$5,500 on the basis that the Association id not have sufficient funding to make payment and that failure to supply authorization for payment would have resulted in premature closure of the facility.
87. (a) That approval be given for up to three delegates of the Arts Advisory Commission to attend "Self-sufficiency for the Arts" on September 18, 1998 at Windsor, Ontario; and,
- (b) That registration fees in an amount not to exceed \$900. be financed through the Legislative Travel Account CH 55201-10010.
88. That the City of Hamilton consider purchasing a table of 10 tickets for the Canadian Football Hall of Fame Induction Ceremonies, 1998 September 19 at a cost of \$700; and that the cost be charged to Unclassified Expenditures Account, Center 24201.

89. That the following Bill be adopted, signed, sealed and enrolled as a By-law:

C-107 A By-law to Amend Zoning By-law No. 6593 Respecting Land Located at the Rear of Municipal Nos. 1289-1317 Upper James Street.

90. That the information presented in the report from A. C. Ross, City Treasurer, dated 1998 September 2, respecting "Amendment to Monthly Automatic Payment Plan" be received.

91. That the following Bill be adopted, signed, sealed and enrolled as a By-law:

D-49 A By-law to Amend By-law No. 94-189 Respecting the Levying of Taxes".

92. That the following Bill be adopted, signed, sealed and enrolled as a By-law:

D-48 A By-law to Confirm the Proceedings of the Council of The Corporation of the City of Hamilton.

ACTIVE LIST FOR THE CITY OF HAMILTON

PROVISION OF LABOUR AND EQUIPMENT FOR 1998, 1999 AND 2000

1998 September 8

Appendix "A" referred
to in Section 2 of the
Recommendations
presented to Council
dated 1998 September 8

	C.L. Moffatt Equipment				Cormar Contracting			
	1998 Rate P/Hr.	1999 Rate P/Hr.	2000 Rate P/Hr.		1998 Rate P/Hr.	1999 Rate P/Hr.	2000 Rate P/Hr.	
	Standard	Standard	Standard		Standard	Standard	Standard	
1. BULLDOZERS								
Caterpillar D-6 or equiv.	65.00	65.00	65.00		70.00	70.00	70.00	CAT D-6H 70.00

	C.L. Moffatt Equipment				Cormar Contracting			
	1998 Rate P/Hr.	1999 Rate P/Hr.	2000 Rate P/Hr.		1998 Rate P/Hr.	1999 Rate P/Hr.	2000 Rate P/Hr.	
	Standard	Standard	Standard		Standard	Standard	Standard	
1. BULLDOZERS								
Caterpillar D-7 or equiv.	70.00	70.00	70.00		75.00	76.00	77.00	D65 EX KOMATSU

	Spar-con Construction Limited				Dig-It Contractors Limited			
	1998 Rate P/Hr.	1999 Rate P/Hr.	2000 Rate P/Hr.		1998 Rate P/Hr.	1999 Rate P/Hr.	2000 Rate P/Hr.	
	Standard/Overtime	Standard/Overtime	Standard/Overtime		Standard/Overtime	Standard/Overtime	Standard/Overtime	
1. BULLDOZERS								
Caterpillar D-8 or equiv.	92.50/92.50	95.00/95.00	98.50/98.50	CAT D8-H	92.00/92.00	93.00/93.00	94.00/94.00	Terex 82-30
Bill Price Grader Rentals								
Standard								
2-D8H W Ripper								
89.00 92.00 95.00								

	C.L. Moffatt Equipment				Ray's Construction			
	1998 Rate P/Hr.	1999 Rate P/Hr.	2000 Rate P/Hr.		1998 Rate P/Hr.	1999 Rate P/Hr.	2000 Rate P/Hr.	
	Standard	Standard	Standard		Standard	Standard	Standard	
1. BULLDOZERS								
John Deere 550 or equiv.	50.00	50.00	50.00		48.00	50.00	52.00	

	C.L. Moffatt Equipment				T & H Truck Service			
	1998 Rate P/Hr.	1999 Rate P/Hr.	2000 Rate P/Hr.		1998 Rate P/Hr.	1999 Rate P/Hr.	2000 Rate P/Hr.	
	Standard	Standard	Standard		Standard	Standard	Standard	
					D3 Komatsu			
1. BULLDOZERS John Deere 450 or equiv.	44.00	44.00	44.00		45.00	45.00	45.00	
	Rioux Excavating				Ram Equipment			
	Standard	Standard	Standard		Standard/Overtime	Standard/Overtime	Standard/Overtime	
					CAT D3			
	48.00	49.00	50.00		45.85/45.85	48.00/48.00	49.00/49.00	

	C.L. Moffatt Equipment				Anders Contracting			
	1998 Rate P/Hr.	1999 Rate P/Hr.	2000 Rate P/Hr.		1998 Rate P/Hr.	1999 Rate P/Hr.	2000 Rate P/Hr.	
	Standard	Standard	Standard		Standard/Overtime	Standard/Overtime	Standard/Overtime	
1. BULLDOZERS Bulldozers other than listed								
	52.00	52.00	52.00		65.00/80.00	65.00/80.00	65.00/80.00	
	55.00	55.00	55.00		50.00/65.00	50.00/65.00	50.00/65.00	

	C.L. Moffatt Equipment				Cormar Contracting			
	1998 Rate P/Hr.	1999 Rate P/Hr.	2000 Rate P/Hr.		1998 Rate P/Hr.	1999 Rate P/Hr.	2000 Rate P/Hr.	
	Standard	Standard	Standard		Standard	Standard	Standard	
2(A). Rubber Tire Front End Loaders Rubber Tire Front End Loader – 5 Cu. Yd. Capacity								
	74.00	74.00	74.00		75.00	76.00	77.00	
	J.D. 844				CAT 950F			

	Cormar Contracting				G.F. Mason Excavating Ltd.			
	1998 Rate P/Hr.	1999 Rate P/Hr.	2000 Rate P/Hr.		1998 Rate P/Hr.	1999 Rate P/Hr.	2000 Rate P/Hr.	
	Standard	Standard	Standard		Standard/Overtime	Standard/Overtime	Standard/Overtime	
2(A). Rubber Tire Front End Loaders Rubber Tire Front End Loader – 4 Cu. Yd. Capacity								
	72.00	73.00	74.00		78.00/78.00	80.00/80.00	82.00/82.00	
	JD 644E				Terex			

	C. L. Moffatt Equipment				Cormar Contracting			
	1998 Rate P/Hr.	1999 Rate P/Hr.	2000 Rate P/Hr.	Standard	1998 Rate P/Hr.	1999 Rate P/Hr.	2000 Rate P/Hr.	Standard
	Standard	Standard	Standard		Standard	Standard	Standard	
2(A). Rubber Tire Front End Loaders								
Rubber Tire Front End Loader - 3 Cu. Yd. Capacity	62.00	J.D. 544 62.00	62.00		69.00	70.00	71.00	
						Komatsu 320		
					67.00	68.00	69.00	

	Cardi Construction Limited				E. Woytkiw Haulage			
	1998 Rate P/Hr.	1999 Rate P/Hr.	2000 Rate P/Hr.	Standard	1998 Rate P/Hr.	1999 Rate P/Hr.	2000 Rate P/Hr.	Standard
	Standard	Standard	Standard		Standard	Standard	Standard	
2(A). Rubber Tire Front End Loaders								
Rubber Tire Front End Loader - 2 Cu. Yd. Capacity	58.00	2 - CAT 416 58.00	60.00		55.00	57.00	59.00	
						2 - Ford 575		

	C. L. Moffatt Equipment				Cormar Contracting			
	1998 Rate P/Hr.	1999 Rate P/Hr.	2000 Rate P/Hr.	Standard	1998 Rate P/Hr.	1999 Rate P/Hr.	2000 Rate P/Hr.	Standard
	Standard	Standard	Standard		Standard	Standard	Standard	
2(A). Rubber Tire Front End Loaders								
Rubber Tire Front End Loader - Other than listed (List bucket capacity)	62.00	JD 710 w/Forks 62.00	62.00		Case 580 - K 2 Wheel Drive 50.00	51.00	52.00	
	62.00	JD 710 w/Clam Bucket 62.00	62.00					

	Cormar Contracting				Spar - con Construction Limited			
	1998 Rate P/Hr.	1999 Rate P/Hr.	2000 Rate P/Hr.	Standard	1998 Rate P/Hr.	1999 Rate P/Hr.	2000 Rate P/Hr.	Standard/Overtime
	Standard	Standard	Standard		Standard/Overtime	Standard/Overtime	Standard/Overtime	
2(B). Track Front End Loader								
Track Front End Loader - 4 Cu. Yd. Capacity	75.00	Cat 977L 76.00	77.00		83.90/83.90	85.90/85.90	86.90/86.90	
	78.00	Cat 963 79.00	80.00					

	Cardi Construction Limited			Cormar Contracting		
	1998 Rate P/Hr.	1999 Rate P/Hr.	2000 Rate P/Hr.	1998 Rate P/Hr.	1999 Rate P/Hr.	2000 Rate P/Hr.
	Standard	Standard	Standard	Standard	Standard	Standard
2(B). Track Front End Loader						
Track Front End Loader --						
3 Cu. Yd. Capacity						
		Cat 963			Cat 977L	
	85.00	87.00	89.00	75.00	76.00	77.00
					Cat 963	
				78.00	79.00	80.00

	Cormar Contracting		
	1998 Rate P/Hr.	1999 Rate P/Hr.	2000 Rate P/Hr.
	Standard	Standard	Standard
2(B). Track Front End Loader			
Track Front End Loader --			
2 Cu. Yd. Capacity			
		JD 455G	
	58.00	59.00	60.00

	JDR Tools & Equipment (1994) Inc.			Wm Groves Limited		
	1998 Rate P/Hr.	1999 Rate P/Hr.	2000 Rate P/Hr.	1998 Rate P/Hr.	1999 Rate P/Hr.	2000 Rate P/Hr.
	Standard/Overtime	Standard/Overtime	Standard/Overtime	Standard/Overtime	Standard/Overtime	Standard/Overtime
2(B). Track Front End Loader						
Track Front End Loader --						
Other than listed						
(List bucket capacity)						
		John Deere 455E c/w 1.25 cu. yd. bucket			Cat 941 1 - 1/2 Yd.	
	80.00/92.00	80.00/92.00	85.00/95.00	75.00/116.21	77.50/119.71	80.00/123.21

	C.L. Moffatt Equipment			Abbey Demolition		
	1998 Rate P/Hr.	1999 Rate P/Hr.	2000 Rate P/Hr.	1998 Rate P/Hr.	1999 Rate P/Hr.	2000 Rate P/Hr.
	Standard	Standard	Standard	Standard/Overtime	Standard/Overtime	Standard/Overtime
	International			1 - Ford Cha		
3. Trucks Truck - 8 Cu. Yd. Dump	35.00	35.00	35.00	35.00/50.00	35.00/50.00	40.00/55.00
	International With Boom & Dump					
	40.00	40.00	40.00			
	Ram Equipment					
	Standard/Overtime	Standard/Overtime	Standard/Overtime			
	International 1700					
	35.00/35.00	37.00/37.00	39.00/39.00			

	C.L. Moffatt Equipment			F & S Excavating Ltd.		
	1998 Rate P/Hr.	1999 Rate P/Hr.	2000 Rate P/Hr.	1998 Rate P/Hr.	1999 Rate P/Hr.	2000 Rate P/Hr.
	Standard	Standard	Standard	Standard	Standard	Standard
	Ford 9000			2 - 16 Cu. Yd. Dump		
3. Trucks Truck - 16 Cu. Yd. Dump	41.00	41.00	41.00	42.95	43.50	43.95
	Ford 9000 w/boom			2 - 16 Cu. Yd. Asphalt Controller		
	48.00	48.00	48.00	47.95	48.50	48.95
	Cormar Contracting			Ray's Construction		
	Standard	Standard	Standard	Standard	Standard	Standard
	1995 Freight Liner			Ford LS8000		
	42.00	43.00	44.00	41.00	43.00	45.00
D Swing Trucking	Roma Concrete & Paving					
	Standard	Standard	Standard	Standard/Overtime	Standard/Overtime	Standard/Overtime
	Intl. - RBT-90			1979 Dump Truck		
	43.00	43.50	43.85	42.00/42.00	43.00/43.00	44.00/44.00

3. Trucks Truck - Other than listed (List Cu. Yd. capacity)	C.L. Moffatt Equipment			Cardi Construction Limited		
	1998 Rate P/Hr.	1999 Rate P/Hr.	2000 Rate P/Hr.	1998 Rate P/Hr.	1999 Rate P/Hr.	2000 Rate P/Hr.
	Standard	Standard	Standard	Standard	Standard	Standard
	International with asphalt gate			10 - Tri-Axles, 20 Cu. Yd.		
	42.00	42.00	42.00	55.00	56.00	58.00
	Ford 9000 with asphalt gate			2 - Stone Slingers, 20 Cu. Yd.		
	45.00	45.00	45.00	100.00	100.00	100.00
	F & S Excavating Ltd.			Greco Bobcat		
	Standard	Standard	Standard	Standard/Overtime	Standard/Overtime	Standard/Overtime
	2 - 20 Cu. Yd.			4 - Tri-Axles Dump, 21 Cu. Yd.		
	49.00	50.00	50.00	52.00/52.00	53.00/53.00	54.00/54.00
	20 Cu. Yd. Asphalt Controller					
	Stone Slinger			Gord Cooper Trucking Inc.		
	54.00	55.00	56.00	Standard	Standard	Standard
	110.00			2 - 1995 Ford Tri-Axle Dump, 24 Cu. Yd.		
	115.00			53.00	57.00	58.00
	120.00			1998 Ford Tri-Axle Dump, 24 Cu. Yd.		
	D Swing Trucking			G.F. Mason Excavating Ltd.		
	Standard	Standard	Standard	Standard/Overtime	Standard/Overtime	Standard/Overtime
	Intl. RBT-90, 22 Cu. Yd.			Tractor Dump Trailer, 50 yds.		
	53.00	53.50	53.85	70.00/70.00	70.00/70.00	70.00/70.00
	Roma Concrete & Paving			G.F. Mason Excavating Ltd.		
	Standard/Overtime	Standard/Overtime	Standard/Overtime	Standard/Overtime	Standard/Overtime	Standard/Overtime
	Tri-Axle					
	52.00/52.00	53.00/53.00	54.00/54.00			

	F & S Excavating Ltd.				Cormar Contracting			
	1998 Rate P/Hr.	1999 Rate P/Hr.	2000 Rate P/Hr.		1998 Rate P/Hr.	1999 Rate P/Hr.	2000 Rate P/Hr.	
	Standard	Standard	Standard		Standard	Standard	Standard	
4. Floats				Float				Freightliner
Float - 35 Ton Flat Truck	60.00	60.00	60.00		65.00	65.00	65.00	

	F & S Excavating Ltd.				Roma Concrete & Paving			
	1998 Rate P/Hr.	1999 Rate P/Hr.	2000 Rate P/Hr.		1998 Rate P/Hr.	1999 Rate P/Hr.	2000 Rate P/Hr.	
	Standard	Standard	Standard		Standard/Overtime	Standard/Overtime	Standard/Overtime	
4. Floats				Ton 50				12 Ton
Float - Other than listed	65.00	70.00	70.00		40.00/40.00	41.00/41.00	42.00/42.00	
	Ram Equipment							
	Standard/Overtime	Standard/Overtime	Standard/Overtime					
	Mark 12 Ton Beavertail							
	40.00/40.00	43.00/43.00	45.00/45.00					

	Quigley Contracting				Bill Price Grader Rentals			
	1998 Rate P/Hr.	1999 Rate P/Hr.	2000 Rate P/Hr.		1998 Rate P/Hr.	1999 Rate P/Hr.	2000 Rate P/Hr.	
	Standard	Standard	Standard		Standard	Standard	Standard	
5. Scrapers								8 - 621 Cat
Scrapers - 14 Cu. Yd. Capacity	95.00	98.00	100.00		100.00	104.00	108.00	

	Quigley Contracting			
	1998 Rate P/Hr.	1999 Rate P/Hr.	2000 Rate P/Hr.	
	Standard	Standard	Standard	
5. Scrapers				
Scrapers - 24 Cu. Yd. Capacity	120.00	120.00	120.00	

	Adair Heavy Equipment Rentals			
	1998 Rate P/Hr.	1999 Rate P/Hr.	2000 Rate P/Hr.	
	Standard/Overtime	Standard/Overtime	Standard/Overtime	Standard/Overtime
6. Graders	Cat 14D			
Model 14 Caterpillar	70.00/82.00	75.00/87.00	82.00/94.00	

	Cormar Contracting		Adair Heavy Equipment Rentals			
	1998 Rate P/Hr.	1999 Rate P/Hr.	2000 Rate P/Hr.	1998 Rate P/Hr.	1999 Rate P/Hr.	2000 Rate P/Hr.
	Standard	Standard	Standard	Standard/Overtime	Standard/Overtime	Standard/Overtime
6. Graders	Champion 740			Cat 12-70D		
Model 120 Caterpillar	68.00	68.00	68.00	70.00/82.00	75.00/87.00	82.00/94.00

	Spar-con Construction Limited				Anders Contracting			
	1998 Rate P/Hr.	1999 Rate P/Hr.	2000 Rate P/Hr.		1998 Rate P/Hr.	1999 Rate P/Hr.	2000 Rate P/Hr.	
	Standard/Overtime	Standard/Overtime	Standard/Overtime	Standard/Overtime	Standard/Overtime	Standard/Overtime	Standard/Overtime	Standard/Overtime
6. Graders	w/ripper and dozer blade				562			
562 Champion	64.90/64.90	67.90/67.90	69.90/69.90		70.00/85.00	70.00/85.00	70.00/85.00	70.00/85.00

	Rioux Excavating		
	1998 Rate P/Hr.	1999 Rate P/Hr.	2000 Rate P/Hr.
	Standard	Standard	Standard
6. Graders			
600D Champion	58.00	59.00	60.00

	G.F. Mason Excavating Ltd.		
	1998 Rate P/Hr.	1999 Rate P/Hr.	2000 Rate P/Hr.
	Standard/Overtime	Standard/Overtime	Standard/Overtime
6. Graders			
Allatt SG100	62.00/62.00	64.00/64.00	66.00/66.00

	Cardi Construction Limited			Anders Contracting		
	1998 Rate P/Hr.	1999 Rate P/Hr.	2000 Rate P/Hr.	1998 Rate P/Hr.	1999 Rate P/Hr.	2000 Rate P/Hr.
	Standard	Standard	Standard	Standard/Overtime	Standard/Overtime	Standard/Overtime
6. Graders Graders other than listed	720 Champion			602 Champion		
	80.00	82.00	84.00	70.00/85.00	70.00/85.00	70.00/85.00

	C.L. Moffatt Equipment				Cormar Contracting			
	1998 Rate P/Hr.	1999 Rate P/Hr.	2000 Rate P/Hr.	Standard	1998 Rate P/Hr.	1999 Rate P/Hr.	2000 Rate P/Hr.	Standard
7. Rubber Tire Backhoe John Deere 310 or equivalent	Standard	Standard	Standard		Standard	Standard	Standard	
	J.D. 310 4X4				Case 580K			
	45.00	45.00	45.00		49.00	51.00	53.00	
					JD 310 E			
					51.00	53.00	55.00	
	Rioux Excavating							
	Standard	Standard	Standard					
	Massey Ferguson							
	42.00	43.00	44.00					

	Ray's Construction				T & H Truck Service			
	1998 Rate P/Hr.		1999 Rate P/Hr.		1998 Rate P/Hr.		1999 Rate P/Hr.	
	Standard		Standard		Standard		Standard	
7. Rubber Tire Backhoe								
John Deere 410 or equivalent	47.00		49.00		51.00		45.00	45.00
			J.C.B. 1400				Ford 655	

	C.L. Moffatt Equipment				Cormar Contracting			
	1998 Rate P/Hr.		1999 Rate P/Hr.		1998 Rate P/Hr.		1999 Rate P/Hr.	
	Standard		Standard		Standard		Standard	
7. Rubber Tire Backhoe								
John Deere 740 or equivalent	60.00		60.00		60.00		61.00	62.00

	C.L. Moffatt Equipment				Cormar Contracting			
	1998 Rate P/Hr.		1999 Rate P/Hr.		1998 Rate P/Hr.		1999 Rate P/Hr.	
	Standard		Standard		Standard		Standard	
7. Rubber Tire Backhoe Backhoe w/extend - a - hoe, Ford 555 or equiv. state make/ model See note on page FT 9	Ford 555				Case 580K			
	45.00		45.00	45.00	49.00		51.00	53.00
	J.D. 310 4 X 4				JD 310E			
	45.00		45.00	45.00	51.00		53.00	55.00
Ray's Construction								
Standard		Standard		Standard	Standard		Standard	Standard
		J.C.B. 1400		JCB 2140 4 X 4				
47.00		49.00		51.00	48.00		49.00	50.00
				310 JD 4 X 4				
		48.00		49.00	48.00		49.00	50.00
				580 Case				
		48.00		49.00	48.00		49.00	50.00
Fields Of Green								
Standard/Overtime		Standard/Overtime		Standard/Overtime	Standard/Overtime		Standard/Overtime	Standard/Overtime
Extend a hoe Case 580 Super E				Ford 555E				
45.00/45.00		47.00/47.00		50.00/50.00	37.00/37.00		37.00/37.00	37.00/37.00
				Ford 555D 4 x 4				
		37.00/37.00		37.00/37.00	37.00/37.00		37.00/37.00	37.00/37.00

	C.L. Moffatt Equipment				Cormar Contracting			
	1998 Rate P/Hr.		1999 Rate P/Hr.		1998 Rate P/Hr.		1999 Rate P/Hr.	
	Standard		Standard		Standard		Standard	
7. Rubber Tire Backhoe Backhoe w/convertible bucket Ford 555 or equiv. state size/ make/model See note on page FT 9	J.D. 310 4 X 4				Case 580K			
	45.00		45.00	45.00	49.00		51.00	53.00
	J.D. 410 4 X 4				JD 310E			
	50.00		50.00	50.00	51.00		53.00	55.00
Ram Equipment								
Standard/Overtime		Standard/Overtime		Standard/Overtime	Standard/Overtime		Standard/Overtime	Standard/Overtime
		Ford 555 E						
37.00/37.00		37.00/37.00		37.00/37.00	37.00/37.00		37.00/37.00	37.00/37.00
		Ford 555D 4 x 4						
37.00/37.00		37.00/37.00		37.00/37.00	37.00/37.00		37.00/37.00	37.00/37.00

	C.L. Moffatt Equipme.				Cormar Contracting			
	1998 Rate P/Hr.	1999 Rate P/Hr.	2000 Rate P/Hr.	Standard	1998 Rate P/Hr.	1999 Rate P/Hr.	2000 Rate P/Hr.	Standard
	Standard	Standard	Standard	Standard	Standard	Standard	Standard	Standard
7. Rubber Tire Backhoe Extra for Hoe Ram attachment state size	J.D. 310 4 X 4 -> Ram Master 750 Ft.	15.00	15.00	15.00	NPK -4 x 1000 lb.			
					10.00	12.00	14.00	
	J.D. 410 4 X 4 -> Escro 850 Ft.	25.00	25.00	25.00	Tri-Mack 750 lb.			
					9.00	11.00	13.00	
	J.D. 710 4 X 4 -> NPK 1000 Ft.	35.00	35.00	35.00	NPK 16 x 5000 lb.			
					90.00	90.00	90.00	
Ram Equipment								
	Standard/Overtime	Standard/Overtime	Standard/Overtime	Standard/Overtime				
	JCB Hammer - Master 440 x 800 ft. lbs.	15.00/15.00	15.00/15.00	15.00/15.00				
	Easco Hoe Ram 800 ft. lbs.	15.00/15.00	15.00/15.00	15.00/15.00				

	C.L. Moffatt Equipment				Ram Equipment			
	1998 Rate P/Hr.	1999 Rate P/Hr.	2000 Rate P/Hr.	Standard	1998 Rate P/Hr.	1999 Rate P/Hr.	2000 Rate P/Hr.	Standard
	Standard	Standard	Standard	Standard	Standard/Overtime	Standard/Overtime	Standard/Overtime	Standard/Overtime
7. Rubber Tire Backhoe Back Hoe other than listed	310 With Posthole Auger	70.00	70.00	70.00	Backhoe With Post Hole Auger			
					50.00/50.00	52.00/52.00	54.00/54.00	
	710 With Rock Thumb	70.00	70.00	70.00	Backhoe With Hyd. Plate Compactor			
					60.00/60.00	60.00/60.00	60.00/60.00	

	C.L. Moffatt Equipment				F & S Excavating Ltd.			
	1998 Rate P/Hr.	1999 Rate P/Hr.	2000 Rate P/Hr.	Standard	1998 Rate P/Hr.	1999 Rate P/Hr.	2000 Rate P/Hr.	Standard
	Standard	Standard	Standard	Standard	Standard	Standard	Standard	Standard
8. Excavators John Deere 590 or equivalent	70.00	70.00	70.00	70.00	75.00	77.00	79.00	
	Cormar Contracting							
	Standard	Standard	Standard	Standard				
	Cat 215							
	65.00	66.00	67.00	67.00				
	JD 590							
	65.00	66.00	67.00	67.00				

F & S Excavating Ltd.		Cormar Contracting			
8. Excavators John Deere 690 or equivalent	1998 Rate P/Hr.	1999 Rate P/Hr.	2000 Rate P/Hr.	1998 Rate P/Hr.	2000 Rate P/Hr.
	Standard	Standard	Standard	Standard	Standard
	2 - JD 690E				
	81.00	82.00	83.00	68.00	68.00
	2 - JD 690 With Ditch Bucket				
	86.00	87.00	88.00		
	2 - JD 690 With Rock Bucket				
	86.00	87.00	88.00		
	2 - JD 690 Hydraulic Thumb				
	86.00	87.00	88.00		

C.L. Moffatt Equipment		Cormar Contracting			
8. Excavators John Deere 790 or equivalent	1998 Rate P/Hr.	1999 Rate P/Hr.	2000 Rate P/Hr.	1998 Rate P/Hr.	2000 Rate P/Hr.
	Standard	Standard	Standard	Standard	Standard
	Cat 225				
	83.00	85.00	87.00	75.00	76.00
	Cat EL 200				
		73.00		74.00	75.00

Cormar Contracting			
1998 Rate P/Hr.	1999 Rate P/Hr.	2000 Rate P/Hr.	
Standard	Standard	Standard	
Cat 245			
125.00	125.00	125.00	125.00

C.L. Moffatt Equipment		Spar - con Construction Limited			
1998 Rate P/Hr.	1999 Rate P/Hr.	2000 Rate P/Hr.	1998 Rate P/Hr.	1999 Rate P/Hr.	2000 Rate P/Hr.
Standard	Standard	Standard	Standard/Overtime	Standard/Overtime	Standard/Overtime
J.D. 590 NPK 1000 Ft.					
125.00	125.00	125.00	John Deere 790 + Tramac, BR V950 w/5,500 ft./lb. impact		
J.D. 790 NPK 1500 Ft.					
150.00	150.00	150.00	169.90/169.90	169.90/169.90	169.90/169.90

8. Excavators Excavator other than listed	C.L. Moffatt Equipment				Cormar Contracting			
	1998 Rate P/Hr.	1999 Rate P/Hr.	2000 Rate P/Hr.		1998 Rate P/Hr.	1999 Rate P/Hr.	2000 Rate P/Hr.	
	Standard	Standard	Standard		Standard	Standard	Standard	
	J.D. 590 With Rock Thumb				JD 892			
	90.00	90.00	90.00		85.00	85.00	85.00	
	J.D. 790 With Rock Thumb				Cat 235			
	95.00	97.00	99.00		90.00	90.00	90.00	
	J.D. 490 With Rock Thumb				JD 490			
	80.00	80.00	80.00		63.00	64.00	65.00	
	Melroe Mini Excavator				Mimi 325			
55.00	55.00	55.00		51.00	51.00	51.00		
Melroe Mini Excavator (With Hoeram 500 ft.)								
75.00	75.00	75.00						
Ray's Construction				Dig - It Contractors Limited				
Standard	Standard	Standard		Standard/Overtime	Standard/Overtime	Standard/Overtime	Standard/Overtime	
John Deere 490				2 C.Y. John Deere 892				
68.00	70.00	72.00		86.00/86.00	88.00/88.00	90.00/90.00	90.00/90.00	
				John Deere 892 With Hydr. Thumb Attachment				
				92.00/92.00	94.00/94.00	96.00/96.00	96.00/96.00	

C.L. Moffatt Equipment				Chlan's Landscaping Limited			
1998 Rate P/Hr.	1999 Rate P/Hr.	2000 Rate P/Hr.	Standard	1998 Rate P/Hr.	1999 Rate P/Hr.	2000 Rate P/Hr.	Standard
Standard	Standard	Standard	Standard	Standard	Standard	Standard	Standard
9. Bobcats							
Bobcats							
Melroe 543				Bobcat 753 - No Overtime Charge			
40.00	40.00	40.00	40.00	34.99	36.99	38.99	38.99
Melroe 543 With Tooth Bucket				Bobcat 553 - No Overtime Charge			
45.00	45.00	45.00	45.00	34.99	36.99	38.99	38.99
Melroe 543 With Post Hole Auger				Attachment - Angle Broom - No Overtime Charge			
60.00	60.00	60.00	60.00	15.00	15.00	15.00	15.00
Melroe 743				Hoeram - No Overtime Charge			
50.00	50.00	50.00	50.00	10.00	10.00	10.00	10.00
Melroe 743 With Tree Auger				Backhoe - No Overtime Charge			
60.00	60.00	60.00	60.00	10.00	10.00	10.00	10.00
				Auger - No Overtime Charge			
				10.00	10.00	10.00	10.00
Green Mountain Property Maintenance							
T & H Truck Service							
Standard/Overtime	Standard/Overtime	Standard/Overtime	Standard/Overtime	Standard	Standard	Standard	Standard
1995 Bobcat 553				Thomas 233			
34.95/34.95	34.95/34.95	34.95/34.95	34.95/34.95	40.00	40.00	40.00	40.00
3 - 1997 Bobcat 553				Bobcat 845			
34.95/34.95	34.95/34.95	34.95/34.95	34.95/34.95	40.00	40.00	40.00	40.00
1990 Case 1845				2 - Bobcat 743			
34.95/34.95	34.95/34.95	34.95/34.95	34.95/34.95	40.00	40.00	40.00	40.00
Rioux Excavating							
Battlefield Bobcat Service							
Standard	Standard	Standard	Standard	Standard/Overtime	Standard/Overtime	Standard/Overtime	Standard/Overtime
Mustang 930 A				863 H			
40.00	40.00	40.00	40.00	52.00/52.00	54.00/54.00	56.00/56.00	56.00/56.00
				Auger & Sweeper			
				20.00/20.00	21.00/21.00	22.00/22.00	22.00/22.00
				Asphalt Planer			
				40.00/40.00	42.00/42.00	44.00/44.00	44.00/44.00
				Hoe Ram			
				40.00/40.00	42.00/42.00	44.00/44.00	44.00/44.00

JDR Tools & Equipment (1994) Inc.			
1998 Rate P/Hr.	1999 Rate P/Hr.	2000 Rate P/Hr.	
Standard/Overtime	Standard/Overtime	Standard/Overtime	
John Deere 595 Wheel Excavator			
78.00/88.00	78.00/88.00	80.00/90.00	

10. Gradalls

Gradall - H300

F & S Excavating Ltd.				JDR Tools & Equipment (1994) Inc.			
1998 Rate P/Hr.	1999 Rate P/Hr.	2000 Rate P/Hr.		1998 Rate P/Hr.	1999 Rate P/Hr.	2000 Rate P/Hr.	
Standard	Standard	Standard		Standard/Overtime	Standard/Overtime	Standard/Overtime	
66" VIB				Duo - Pact 60" Smooth Champion			
75.00	77.00	79.00		60.00/72.00	60.00/72.00	64.00/74.00	
47"				84" Smooth Champion			
65.00	67.00	69.00		74.00/84.00	74.00/84.00	76.00/86.00	
				84" Padfoot			
				75.00/85.00	75.00/85.00	77.00/87.00	
Cormar Contracting				Anders Contracting			
Standard/Overtime	Standard/Overtime	Standard/Overtime		Standard/Overtime	Standard/Overtime	Standard/Overtime	
Super Pac 84"				Case 602			
80.00	81.00	82.00		60.00/75.00	60.00/75.00	60.00/75.00	
Bomag 66"							
60.00	61.00	62.00					
G.F. Mason Excavating Ltd.							
Standard/Overtime	Standard/Overtime	Standard/Overtime					
Hyster 72"							
64.00/64.00	66.00/66.00	67.00/67.00					

Dig - It Contractors Limited			
1998 Rate P/Hr.	1999 Rate P/Hr.	2000 Rate P/Hr.	
Standard/Overtime	Standard/Overtime	Standard/Overtime	
Case 602 Pd. (No Blade)			
55.00/55.00	57.00/57.00	59.00/59.00	

11. Compaction Equipment

Pad Foot Compactor - indicate if there is a blade attachment

NON ACTIVE LIST FOR THE CITY OF HAMILTON

	J. Chastney Leasing			
	1998 Rate P/Hr.	1999 Rate P/Hr.	2000 Rate P/Hr.	
	Standard/Overtime	Standard/Overtime	Standard/Overtime	Standard/Overtime
6. Graders				
600 D Champion	62.00/62.00	63.00/63.00	64.00/64.00	

	J. Chastney Leasing			
	1998 Rate P/Hr.	1999 Rate P/Hr.	2000 Rate P/Hr.	
	Standard/Overtime	Standard/Overtime	Standard/Overtime	Standard/Overtime
7. Rubber Tire Backhoe				
John Deere 310 or equivalent	51.00/61.00	52.00/62.00	52.00/62.00	

	J. Chastney Leasing			
	1998 Rate P/Hr.	1999 Rate P/Hr.	2000 Rate P/Hr.	
	Standard/Overtime	Standard/Overtime	Standard/Overtime	Standard/Overtime
7. Rubber Tire Backhoe				
John Deere 410 or equivalent	51.00/61.00	52.00/62.00	52.00/62.00	

Schedule A

New Hydro Tree Trimming Rates

Diameter	New Cost/Trim	Old Cost/trim	No. Trimmed	New Cost	Old Cost	Difference
01" - 12"	\$ 34.80	\$ 35.50	20	\$ 696.00	\$ 710.00	-\$ 14.00
13" - 24"	\$ 52.20	\$ 35.50	61	\$ 3,184.20	\$ 2,165.50	\$ 1,018.70
25" - >	\$ 87.00	\$ 35.50	27	\$ 2,349.00	\$ 958.50	\$ 1,390.50
			108	\$ 6,229.20	\$ 3,834.00	\$ 2,395.20

New Hydro Tree Removal Rates

Diameter	New Cost	Old Cost
12" Dia Tree	\$ 96.00	\$ 135.75
16" Dia Tree	\$ 128.00	\$ 135.75
20" Dia Tree	\$ 160.00	\$ 135.75
24" Dia Tree	\$ 192.00	\$ 135.75
28" Dia Tree	\$ 224.00	\$ 135.75
	\$ 800.00	\$ 678.75

Appendix "B" referred
to in Section 3 of the
Recommendations
presented to Council
dated 1998 September 8

MANUFACTURER'S CERTIFICATE

J.D. BARNES

 SURVEYING MAPPING
 LAND INFORMATION SERVICES
 606 E. 8th S.
 W. 40th TRAIL, SUITE 20
 SALT LAKE CITY, UT 84111
 TEL. 325-5671 FAX 325-5672
 1-800-541-7120

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CAPLANT, AN 01
PART OF LOTS 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12,
13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26,
27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39,
40, 41, 42, 43, 44, 45, 46, AND 47
REGISTERED PLAN 62M-836
CITY OF HAMMILTON
FEDERAL GOVERNMENT OF CANADA

J. O. BAKER'S LIMITED
1938

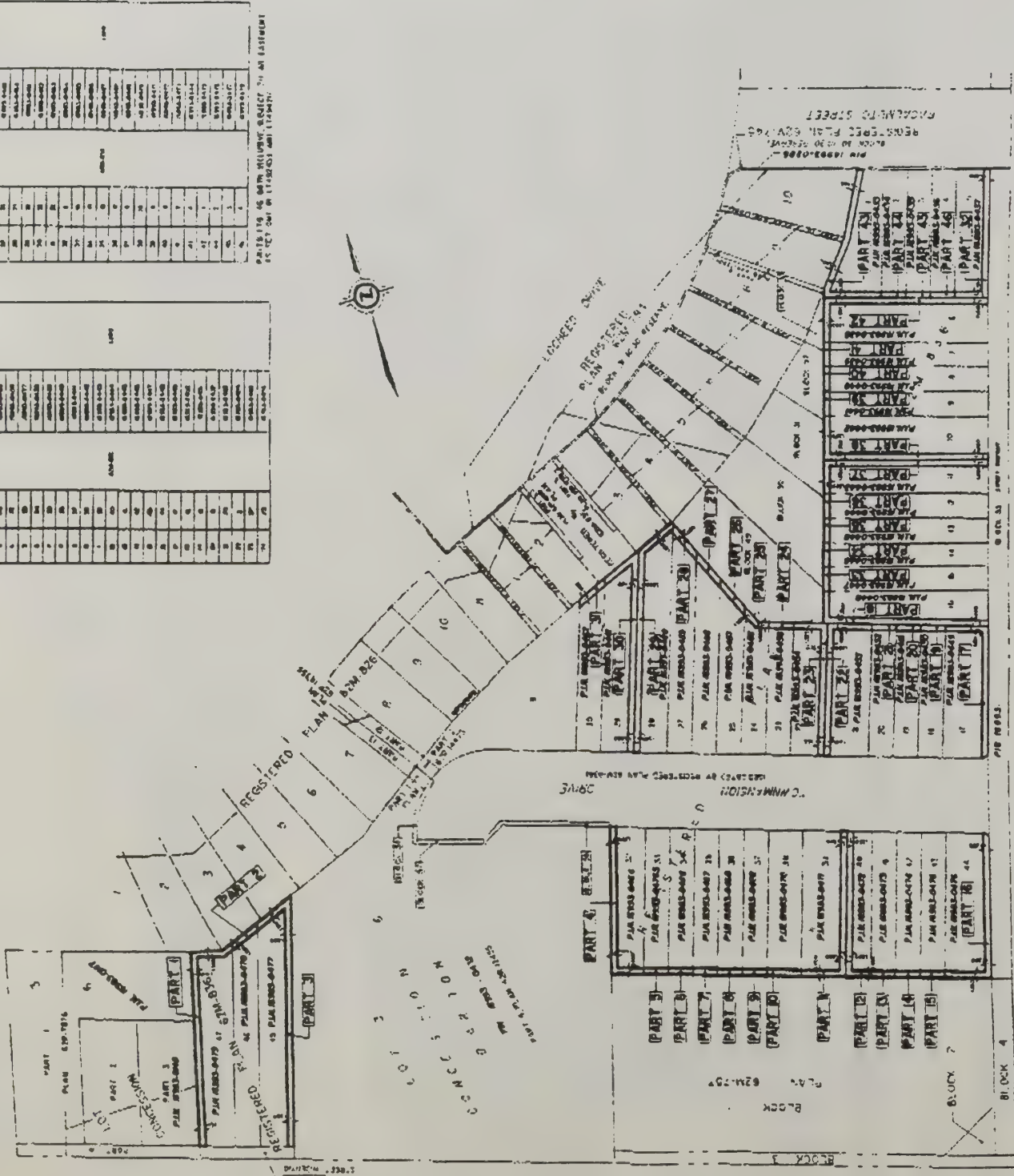
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7-10-68
Lester J. Brown, Jr.
Lester J. Brown, Jr.
Lester J. Brown, Jr.

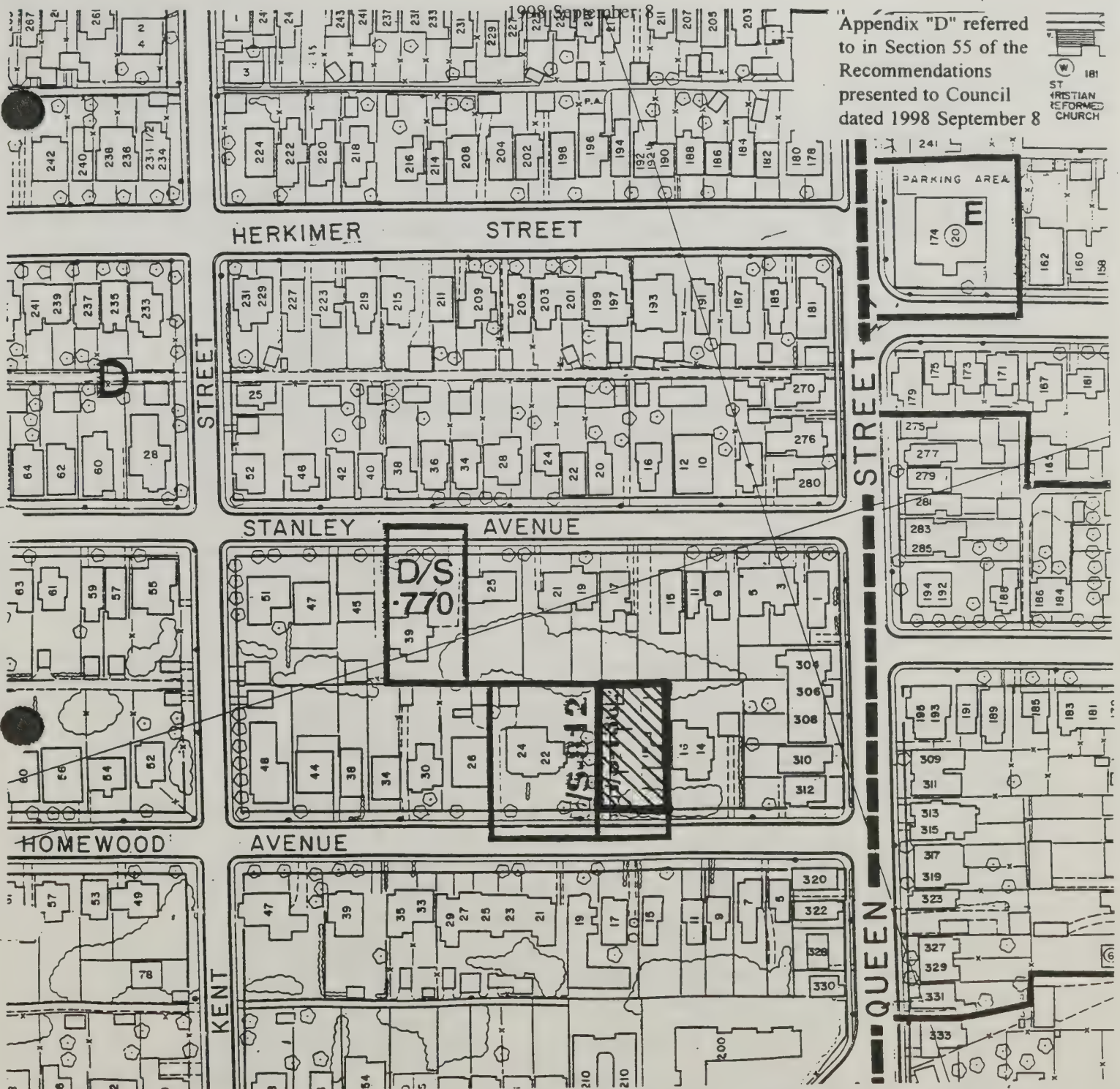
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Page	Line	Code	Description	Amount	Debit	Credit	Balance	Page
1	1	100	100	100		100	1	1
1	2	100	100	100		100	1	1
1	3	100	100	100		100	1	1
1	4	100	100	100		100	1	1
1	5	100	100	100		100	1	1
1	6	100	100	100		100	1	1
1	7	100	100	100		100	1	1
1	8	100	100	100		100	1	1
1	9	100	100	100		100	1	1
1	10	100	100	100		100	1	1
1	11	100	100	100		100	1	1
1	12	100	100	100		100	1	1
1	13	100	100	100		100	1	1
1	14	100	100	100		100	1	1
1	15	100	100	100		100	1	1
1	16	100	100	100		100	1	1
1	17	100	100	100		100	1	1
1	18	100	100	100		100	1	1
1	19	100	100	100		100	1	1
1	20	100	100	100		100	1	1
1	21	100	100	100		100	1	1
1	22	100	100	100		100	1	1
1	23	100	100	100		100	1	1
1	24	100	100	100		100	1	1
1	25	100	100	100		100	1	1
1	26	100	100	100		100	1	1
1	27	100	100	100		100	1	1
1	28	100	100	100		100	1	1
1	29	100	100	100		100	1	1
1	30	100	100	100		100	1	1
1	31	100	100	100		100	1	1
1	32	100	100	100		100	1	1
1	33	100	100	100		100	1	1
1	34	100	100	100		100	1	1
1	35	100	100	100		100	1	1
1	36	100	100	100		100	1	1
1	37	100	100	100		100	1	1
1	38	100	100	100		100	1	1
1	39	100	100	100		100	1	1
1	40	100	100	100		100	1	1
1	41	100	100	100		100	1	1
1	42	100	100	100		100	1	1
1	43	100	100	100		100	1	1
1	44	100	100	100		100	1	1
1	45	100	100	100		100	1	1
1	46	100	100	100		100	1	1
1	47	100	100	100		100	1	1
1	48	100	100	100		100	1	1
1	49	100	100	100		100	1	1
1	50	100	100	100		100	1	1
1	51	100	100	100		100	1	1
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1	53	100	100	100		100	1	1
1	54	100	100	100		100	1	1
1	55	100	100	100		100	1	1
1	56	100	100	100		100	1	1
1	57	100	100	100		100	1	1
1	58	100	100	100		100	1	1
1	59	100	100	100		100	1	1
1	60	100	100	100		100	1	1
1	61	100	100	100		100	1	1
1	62	100	100	100		100	1	1
1	63	100	100	100		100	1	1
1	64	100	100	100		100	1	1
1	65	100	100	100		100	1	1
1	66	100	100	100		100	1	1
1	67	100	100	100		100	1	1
1	68	100	100	100		100	1	1
1	69	100	100	100		100	1	1
1	70	100	100	100		100	1	1
1	71	100	100	100		100	1	1
1	72	100	100	100		100	1	1
1	73	100	100	100		100	1	1
1	74	100	100	100		100	1	1
1	75	100	100	100		100	1	1
1	76	100	100	100		100	1	1
1	77	100	100	100		100	1	1
1	78	100	100	100		100	1	1
1	79	100	100	100		100	1	1
1	80	100	100	100		100	1	1
1	81	100	100	100		100	1	1
1	82	100	100	100		100	1	1
1	83	100	100	100		100	1	1
1	84	100	100	100		100	1	1
1	85	100	100	100		100	1	1
1	86	100	100	100		100	1	1
1	87	100	100	100		100	1	1
1	88	100	100	100		100	1	1
1	89	100	100	100		100	1	1
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1	92	100	100	100		100	1	1
1	93	100	100	100		100	1	1
1	94	100	100	100		100	1	1
1	95	100	100	100		100	1	1
1	96	100	100	100		100	1	1
1	97	100	100	100		100	1	1
1	98	100	100	100		100	1	1
1	99	100	100	100		100	1	1
1	100	100	100	100		100	1	1



Appendix "D" referred
to in Section 55 of the
Recommendations
presented to Council
dated 1998 September 8



Legend

Change in Zoning from:



"D"-H' (Urban Protected Residential -
One and Two Family Dwellings, etc. -
Holding) District, Modified to
"D" (Urban Protected Residential -
One and Two Family Dwellings, etc.)
District

City of Hamilton

Location Map

Planning and Development Department

North

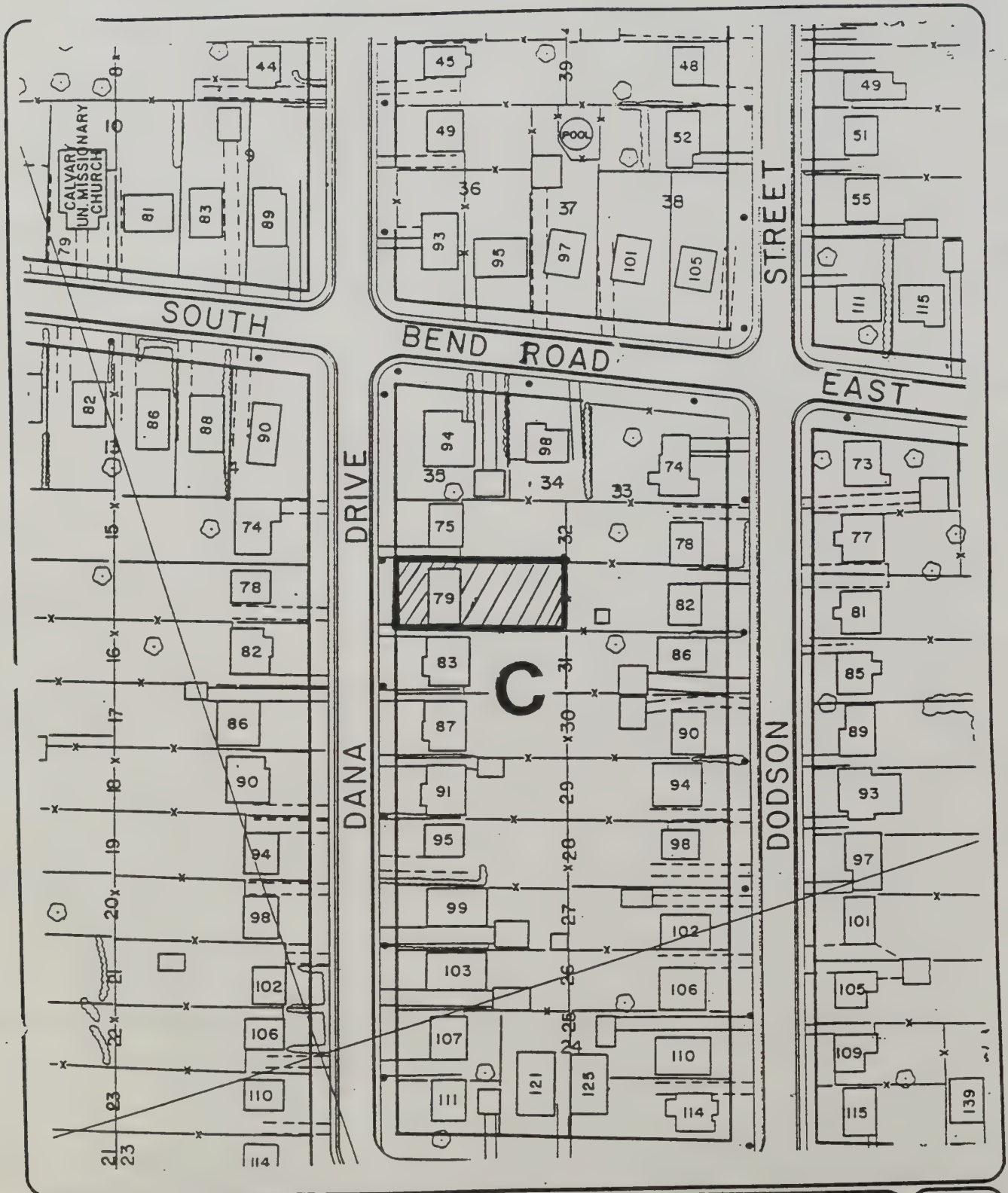


Scale
NOT TO SCALE

Date
July, 1998

Reference File No.
ZAR-98-31

Drawn By
B. B.



**City of Hamilton,
Committee of Adjustment**

Location Map by the Technical and Cartographic Section, Planning and Development Department

A-98:116



SCHEDULE A

PROPOSED AMENDMENTS TO THE CITY'S FAIR WAGE POLICY

All proposed changes are underlined.

- (i) a) Change all references from the Director of Property to the Director of Culture & Recreation.

- b) Change all references from "contract" to "construction contract".

(ii) DEFINITIONS

- b) "construction contract" means any construction contract or construction maintenance contract of an estimated value of at least one hundred thousand dollars (\$100,000.00), entered into between the City and a contractor and the various sub-contracts to that contract.

(iii) PROCEDURES

- 1.c) (new)The Commissioner of Human Resources or designate will co-ordinate the preparation of an annual report for the appropriate Standing Committee of City Council regarding complaints investigated and audits performed pursuant to the Fair Wage Policy.
2. The City's Director of Culture & Recreation or designate shall notify every person bidding on City construction contracts of the then current Fair Wage Policy and Fair Wage Schedule and shall provide copies of the same to the bidders, upon request, at the City's cost. The contractor and its sub-contractor shall not be responsible for any Fair Wage Schedule rate increases which occur after the closing of the tender for the City construction contract on which the contractor is the successful bidder.

(iv) RECORDS

3. (new)Where the City's Director of Culture & Recreation or designate has determined that a contractor or sub-contractor is in non-compliance with this Fair Wage Policy or the Fair Wage Schedule, such contractor or sub-contractor will be required to separate and provide, to the Director of Culture & Recreation or designate, its records pertaining to the construction contract or work for which it has been found to be in non-compliance.

The contractor or sub-contractor shall be required to provide the said records within thirty (30) calendar days of the date that the City's Director of Culture & Recreation or designate provides notice of such requirement to the contractor or sub-contractor.

Failure to provide these records as required herein may result in the contractor or sub-contractor being subject to the CONSEQUENCES OF NON-COMPLIANCE provisions of this Fair Wage Policy.

(v) COMPLAINTS

Amend the time frame for submitting a complaint to "15 days following substantial performance" from the current "45 days following substantial performance".

Renumber the existing section #3 to #3 (a).

Add a new section (b) to the end of #3, to read: " Whenever a complaint is submitted by a person other than an individual employee of the contractor or sub-contractor involved or named in the complaint, and said contractor and/or sub-contractor is found to be in compliance with the Fair Wage Policy or the Fair Wage Schedule, or both, with respect to the complaint submitted, the City's costs of inspection, audits or other action deemed necessary regarding such complaint shall be assessed against the complainant.

(vi) RANDOM INSPECTION AND AUDITS

retitle to "INSPECTIONS AND AUDITS"

(vii) CONSEQUENCES OF NON-COMPLIANCE

1. The City's Director of Culture & Recreation or designate upon determining that a contractor or sub-contractor is in non-compliance of the Fair Wage Policy or the Fair Wage Schedule, or both:
 - a) shall advise the contractor or sub-contractor, in writing, that it has been determined that the contractor or sub-contractor is in non-compliance and that the contractor or sub-contractor is required to comply immediately; and
 - b) may withhold the amount of funds by which the contractor or sub-contractor has been determined to be in non-compliance from any payment owed by the City to the contractor until such time as the contractor or sub-contractor complies. The amount of such funds withheld shall not exceed

any payments owed by the City to the contractor under the construction contract or any payments owed by the contractor to the sub-contractor determined to be in non-compliance under the construction contract; and

- c) shall assess the cost of the City's inspection, audit or other action as deemed necessary by the City as a result of such determination of non-compliance of the contractor and/or sub-contractor and may deduct such costs from any payment owed by the City to the contractor. The amount of costs assessed shall not exceed any payments owed by the City to the contractor under the construction contract or any payments owed by the contractor to the sub-contractor determined to be in non-compliance under the construction contract, except where the City has notified the contractor of the receipt of a complaint, or the commencement of an inspection or audit within forty-five (45) days following substantial performance of the construction contract or sub-contract in which case, the contractor shall be responsible for all of the City's costs.

URBAN/MUNICIPAL
CAY ON HBL AOS
M21
1998

1998 September 16

Minutes of Committee of the Whole\City Council
Wednesday, 1998 September 16
9:30 o'clock a.m.
Convention Centre

URBAN MUNICIPAL

SEP 21 1998

The Council met:

GOVERNMENT DOCUMENTS

Present: Mayor R. M. Morrow, Chairman.
Aldermen M. Kiss, M. Caplan, A. Horwath, R. Corsini, B. Morelli,
D. Haining, D. Wilson, G. Copps, C. Collins, F. Eisenberger, T. Jackson,
B. Charters, T. Anderson, B. Kelly, F. D'Amico, D. O'Sullivan.

Mayor Morrow called the meeting to order.

* * * * *

It was moved by Alderman Kiss and seconded by Alderman Caplan that the Report of the Committee of the Whole respecting the appointment of General Managers for the Amalgamated Structure for the City/Region be now considered in Committee of the Whole. The Council then went into Committee of the Whole, with Mayor Morrow in the Chair.

Recorded vote.

YEAS: Mayor R. M. Morrow, Aldermen M. Kiss, M. Caplan, A. Horwath,
R. Corsini, B. Morelli, D. Haining, D. Wilson, G. Copps, C. Collins,
F. Eisenberger, T. Jackson, B. Charters, T. Anderson, B. Kelly, F. D'Amico,
D. O'Sullivan. -17.

NAYS: -0.

CARRIED.

* * * * *

COMMITTEE OF THE WHOLE - TWENTIETH REPORT

Appointment of General Managers

Section 4 Re: Split of Transportation and Operations Division

Recorded Vote.

YEAS: Mayor R. M. Morrow, Aldermen M. Kiss, B. Morelli, D. Haining, D. Wilson, G. Copps, C. Collins, T. Jackson, B. Charters, T. Anderson, B. Kelly, F. D'Amico, D. O'Sullivan. -13.

NAYS: Aldermen M. Caplan A. Horwath, R. Corsini, F. Eisenberger. -4.

CARRIED.

It was moved by Alderman Kiss and seconded by Alderman Caplan that the Report of the Committee of the Whole respecting the appointment of General Managers for the Amalgamated Structure for the City/Region, be adopted.

Recorded vote.

YEAS: Mayor R. M. Morrow, Aldermen M. Kiss, M. Caplan, A. Horwath, R. Corsini, B. Morelli, D. Haining, D. Wilson, G. Copps, C. Collins, F. Eisenberger, T. Jackson, B. Charters, T. Anderson, B. Kelly, F. D'Amico, D. O'Sullivan. -17.

NAYS: -0.

CARRIED.

City Council then adjourned at 12:08 o'clock p.m.

Taken as read and approved.

MAYOR R. M. MORROW

J. J. Schatz
1998 September 16
JJS/bc

REPORT OF THE COMMITTEE OF THE WHOLE

To the Council of the Corporation of the City of Hamilton

Members of Council:

The Committee of the Whole presents its **TWENTIETH** Report for 1998 and respectfully recommends:

1. That Mr. John Johnston be appointed to the position of General Manager-Human Resources for the Amalgamated Structure for the City/Region, and that the City Manager be authorized to negotiate a contract of employment with Mr. John Johnston.
2. That Mr. Michael Schuster be appointed to the position of General Manager-Human Services for the Amalgamated Structure for the City/Region, and that the City Manager be authorized and directed to negotiate a contract of employment with Mr. Michael Schuster.
3. That Mr. Ross Fair be appointed to the position of General Manager-Community Services for the Amalgamated Structure for the City/Region, and that the City Manager be authorized and directed to negotiate a contract of employment with Mr. Ross Fair.
4. (a) That the City and Region Amalgamated Structure for the combined administration as approved by City Council with the adoption of Section 5 of the Nineteenth Report of the Committee of the Whole on August 12, 1998, be amended to provide for a split of the Public Works functions from the Transportation and Operations Division, and that the City Manager develop a revised organizational structure to reflect same; and
(b) That the positions of General Manager for the two (2) new divisions be posted for internal applicants only.

Recorded Vote.

YEAS: Mayor R. M. Morrow, Aldermen M. Kiss, B. Morelli, D. Haining, D. Wilson, G. Copps, C. Collins, T. Jackson, B. Charters, T. Anderson, B. Kelly, F. D'Amico, D. O'Sullivan. -13.

NAYS: Aldermen M. Caplan A. Horwath, R. Corsini, F. Eisenberger. -4.

CARRIED.

5. That the following Bill be adopted, signed, sealed and enrolled as a By-law:

E-17 A By-law to Confirm the Proceedings of the Council of The Corporation
of the City of Hamilton.

RESPECTFULLY SUBMITTED

**MAYOR R. M. MORROW
CHAIRMAN
COMMITTEE OF THE WHOLE**

J. J. Schatz, Secretary
1998 September 16

Minutes of Committee of the Whole\City Council
Friday, 1998 September 25
10:00 o'clock a.m.
Webster Room B & C
Hamilton Convention Centre

The Council met:

Present: Mayor R. M. Morrow, Chairman.
Aldermen M. Kiss, M. Caplan, A. Horwath, R. Corsini, D. Haining,
D. Wilson, G. Copps, C. Collins, F. Eisenberger, T. Jackson, B. Charters,
B. Kelly, F. D'Amico, D. O'Sullivan.

Absent: Alderman B. Morelli – Other Business
Alderman T. Anderson – Other Business

Mayor R. M. Morrow called the meeting to order.

* * * * *

It was moved by Alderman Kiss and seconded by Alderman Caplan that the Report of the Committee of the Whole respecting the appointment of General Managers for the Amalgamated Structure for the City/Region be now considered in Committee of the Whole. The Council then went into Committee of the Whole, with Mayor Morrow in the Chair.

Recorded vote.

YEAS: Mayor R. M. Morrow, Aldermen M. Kiss, M. Caplan, A. Horwath,
R. Corsini, D. Haining, D. Wilson, G. Copps, C. Collins,
F. Eisenberger, T. Jackson, B. Charters, B. Kelly, F. D'Amico,
D. O'Sullivan. -15.

NAYS: -0.

CARRIED.

COMMITTEE OF THE WHOLE – TWENTY-FIRST REPORT
Appointment of General Managers

* * * * *

It was moved by Alderman Kiss and seconded by Alderman Caplan that the Report of the Committee of the Whole respecting the appointment of General Managers for the Amalgamated Structure for the City/Region, be adopted.

Recorded vote.

YEAS: Mayor R. M. Morrow, Aldermen M. Kiss, M. Caplan, A. Horwath,
R. Corsini, D. Haining, D. Wilson, G. Copps, C. Collins,
F. Eisenberger, T. Jackson, B. Charters, B. Kelly, F. D'Amico,
D. O'Sullivan. -15

NAYS: -0.

CARRIED.

* * * * *

City Council then adjourned at 1:00 o'clock p.m.

* * * * *

Taken as read and approved.

**MAYOR R. M. MORROW
CHAIRMAN**

S. G. Hollowell, Acting Clerk
1998 September 25
SGH/dg

REPORT OF THE COMMITTEE OF THE WHOLE

To the Council of the Corporation of the City of Hamilton.

Members of Council

The Committee of the Whole presents its **TWENTY-FIRST** Report for 1998 and respectfully recommends:

1. That Mr. James Bruzzese be appointed to the position of General Manager-Corporate Services for the Amalgamated Structure for the City\Region, and that the City Manager be authorized to negotiate a contract of employment with Mr. James Bruzzese.
2. That Mr. Allan Ross be appointed to the position of General Manager-Department of Finance for the Amalgamated Structure for the City\Region, and that the City Manager be authorized to negotiate a contract of employment with Mr. Allan Ross.
3. That the following Bill be adopted, signed, sealed and enrolled as a By-law:

E-18: A By-law to Confirm the Proceedings of the Council of the Corporation of the City of Hamilton.

RESPECTFULLY SUBMITTED

MAYOR R. M. MORROW, CHAIRMAN

S. G. Hollowell
Acting City Clerk
1998 September 25
/dg

Minutes of Committee of the Whole\City Council
1998 September 28
12:30 o'clock p.m.
Room 233, City Hall

The Council met:

Present: Mayor R. M. Morrow, Chairman.
Aldermen M. Kiss, M. Caplan, A. Horwath, R. Corsini, B. Morelli,
D. Haining, D. Wilson, G. Copps, C. Collins, F. Eisenberger, T. Jackson,
B. Charters, T. Anderson, B. Kelly, F. D'Amico.

Absent: Alderman D. O'Sullivan - Other Business

Mayor R. M. Morrow called the meeting to order.

* * * * *

It was moved by Alderman Kiss and seconded by Alderman Caplan that the Report of the Committee of the Whole respecting the structure for the Transportation and Operations Division for the Amalgamated Structure for the City/Region, be now considered in Committee of the Whole. The Council then went into Committee of the Whole, with Mayor Morrow in the Chair.

Recorded vote.

YEAS: Mayor R. M. Morrow, Aldermen M. Kiss, M. Caplan, A. Horwath,
R. Corsini, B. Morelli, D. Haining, D. Wilson, G. Copps, C. Collins,
F. Eisenberger, T. Jackson, B. Charters, T. Anderson, B. Kelly, F. D'Amico.-16.

NAYS: -0.

CARRIED.

COMMITTEE OF THE WHOLE – TWENTY-SECOND REPORT
Transportation and Operations Division Amalgamated Structure

Section 1 Re: Transportation and Operations Division

Recorded vote.

YEAS: Aldermen M. Kiss, B. Morelli, D. Haining, G. Copps, C. Collins, B. Charters,
T. Jackson, T. Anderson, F. D'Amico –9.

NAYS: Mayor R. M. Morrow, Aldermen M. Caplan, A. Horwath, R. Corsini, D. Wilson,
F. Eisenberger, B. Kelly. –7. **CARRIED.**

It was moved by Alderman Kiss and seconded by Alderman Caplan that the Report of the Committee of the Whole respecting the Transportation and Operations Division for the Amalgamated Structure for the City/Region, be adopted.

Recorded vote.

YEAS: Mayor R. M. Morrow, Aldermen M. Kiss, M. Caplan, A. Horwath,
R. Corsini, B. Morelli, D. Haining, D. Wilson, G. Copps, C. Collins,
F. Eisenberger, T. Jackson, B. Charters, T. Anderson, B. Kelly, F. D'Amico,
-16.

NAYS: -0. **CARRIED.**

City Council then adjourned at 1:45 o'clock p.m.

Taken as read and approved.

MAYOR R. M. MORROW
CHAIRMAN

J. J. Schatz, City Clerk,
1998 September 28
JJS/dg

REPORT OF THE COMMITTEE OF THE WHOLE

To the Council of the Corporation of the City of Hamilton.

Members of Council

The Committee of the Whole presents its **TWENTY-SECOND** Report for 1998 and respectfully recommends:

1. That the Transportation and Operations Division for the combined Administration, Option # 2 as presented by the City Manager be approved with the understanding that the current City of Hamilton Streets and Sanitation functions are included with the Maintenance function; the current Park Maintenance and Forestry functions are included with the Cemetery function and that the Fleet Services is included within the Division

Recorded vote.

YEAS: Aldermen M. Kiss, B. Morelli, D. Haining, G. Copps, C. Collins, B. Charters, T. Jackson, T. Anderson, F. D'Amico -9.

NAYS: Mayor R. M. Morrow, Aldermen M. Caplan, A. Horwath, R. Corsini, D. Wilson, F. Eisenberger, B. Kelly. -7. **CARRIED.**

2. That the following Bill be adopted, signed, sealed and enrolled as a By-law:

E-19: A By-law to Confirm the Proceedings of the Council of the Corporation of the City of Hamilton.

RESPECTFULLY SUBMITTED

MAYOR R. M. MORROW, CHAIRMAN

J. J. Schatz,
City Clerk
1998 September
JJS/dg

Minutes of Hamilton City Council
Tuesday, September 29, 1998
7:30 o'clock p.m.
Hamilton Convention Centre

The Council met:

There were present: Mayor R. M. Morrow, Chairman; Aldermen M. Kiss, A. Horwath, R. Corsini, B. Morelli, D. Haining, D. Wilson, G. Copps, C. Collins, F. Eisenberger, T. Jackson, B. Charters, T. Anderson, B. Kelly, F. D'Amico, D. O'Sullivan

Absent: Alderman M. Caplan – Religious Observance

Mayor R. M. Morrow called the meeting to order.

Father David Wynen, Cathedral Christ the King led Council in prayer.

PRESENTATIONS

Mayor R. M. Morrow was presented with a Painting from Vincent Gagliardo to the City of Hamilton.

* * * * *

Mayor R. M. Morrow presented a Certificate of Recognition to Constable Mike Joy in recognition of his receiving a Medal of Bravery.

* * * * *

Mayor R.M. Morrow presented Certificates of Recognition to the Hamilton Transway Club - 1998 Sears Ontario Provincial Basketball Championships as listed:

Atom

**Sarah Back
Katie Kiely
Rebecca Spleit**

**Devyn Cuncic
Elena Kybartas
Laura Stringer**

**Natalie Djurcjevic
Emily O'Brien
Caitlin Venner**

**Aleesha Harris
Melajna Selenger
Erin Huddleston**

Coaches

Lorne Venner

Jason Fletcher

Minor Bantam

Samantha Wood	Gillian Valvasori	Taylor Smith	Lauren Valvasori
Ashely Amodeo	Tamika Nurse	Raquel Rakovac	Amanda D'Ortenzio
Alaine Hutton	Marie Warner	Amanda Tofano	Lindsay Anderson

<u>Coaches</u>	Richard Nurse	Cathy Nurse	Amos D'Ortenzio
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Bantam Team

Jessie Tomasin	Angela Valvasori	Erin Belot	Rachel Hart
Heather Angus	Jessie Lamparski	Jessica Selenger	Vanessa Casuccio
Justine Panavas	Marine Rusich	Carolyn Crnac	Julia Critchley
Cari te Boekhorst			

<u>Coach</u>	Larry Angus
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Midget Team

Rebecca McColl	Julie Lamparski	Alana Juzenas	Shona Thorburn
Sarah Zagorski	Ashleigh Cuncic	Kristina Murphy	Caitlin Miziolek
Krysten Adams	Kim Salem	Lindsay Sones	

<u>Coaches</u>	Kelly Dunham	Lisa Ciancone
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The Ontario Volleyball Championships held in London, Ontario

Juvenile Seekers

Beth Lawlor	Holly Strauss	Jennifer Davis	Kristina Markovic
Maria DiLivio	Sanja Malic	Lisa Cosentino	Agnes Jankowski
Sarah Vinall	Katherine Dymkowski		

Canadian Midget Champions

Midget Seekers

Sarah Vinall	Melissa Whaley	Kelly Dumas	Lauren Cosentino
Lori Maloney	Lisa Spencer	Nicole Trombetta	Stephanie Car

<u>Coaches</u>	Mike Campanella	Stu McCarthy	Rob Luciani
	George Vinall	Jerry Crapsi	Andy Burns
	Dennis Collins	Frank Lilliman	

ADOPTION OF MINUTES

The following minutes were adopted as circulated:

- (a) June 30, 1998 (regular meeting)
- (b) July 7, 1998 (special meeting) (adopted as amended)
- (c) July 9, 1998 (special meeting)
- (d) July 30, 1998 (special meeting)
- (e) August 5, 1998 (special meeting)
- (f) August 12, 1998 (special meeting)
- (g) September 8, 1998 (special meeting); and,
- (h) September 16, 1998 (special meeting)

were adopted as circulated.

CORRESPONDENCE

1. Letter dated 1998 September 17 from the Ainslie Wood/Westdale Community Association respecting concerns in their neighbourhood.

Referred to the Transport and Environment Committee and the Planning and Development Committee.

2. Application dated 1998 September 2 from Alfredo and Emidio Massi, 126 Alderson Drive, Hamilton, Ontario for a change in zoning from "AA" (Agricultural) District to "RT-20" (Townhouse-Maisonette) District (Block "1"), "R-4" (Small Lot Single Family Dwelling) District (Block "2") and "C" (Urban Protected Residential, etc.) District (Block 3") for lands located south of Stone Church Road West and west of West 5th Street, known municipally as 99 Stone Church Road West, and a draft approval of a plan of subdivision for 18 lots for small lot single family dwellings, 11 lots for single family dwellings, 1 block for townhouse dwellings, 2 blocks to be developed with the abutting lands, 1 block for road widening purposes and to establish 2 streets for lands located south of Stone Church Road West and west of West 5th Street, known municipally as 99 Stone Church Road West, Hamilton, Ontario .

Received.

3. Application dated 1998 September 22 from Sunoco Inc., c/o Don Woods, 11 Heathcliffe Square, Brampton, Ontario for a change in zoning from "AA" (Agricultural) District and "C" (Urban Protected Residential, etc.) District to "HH" (Restricted Community Shopping and Commercial, etc.) District for lands located at 615 Mohawk Road West, Hamilton, Ontario.

Received.

4. Application dated 1998 September 22 from Silvestri Investments, 120 King Street W., Hamilton, Ontario for a change in zoning from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District for lands located at the rear of 381-385 Stone Church Road East, Hamilton, Ontario.

Received.

5. Application dated 1998 September 23 from Francesco Agostino, 52 St. Matthews Avenue, Hamilton, Ontario for a change in zoning from "G-3" (Public Parking Lots) District to "D" (Urban Protected Residential – One and Two Family Dwellings, etc.) District modified for 11 Cheever Street, Hamilton.

Received.

6. Letter dated 1998 September 24 from Russell D. Cheeseman, Barrister and Solicitor, 161 Bay Street, Suite 3730, P.O. Box 605, Toronto, Ontario respecting Plan of Condominiums – Conversions for various properties.

Received.

7. Letter dated 1998 September 24 from Mary Beveridge, 8 Barker Avenue, Hamilton, Ontario regarding an OMB Decision.

Referred to the Finance and Administration Committee.

* * * * *

It was moved by Alderman Kiss and seconded by Alderman Copps that the Reports of the Transport and Environment Committee, the Parks and Recreation Committee, the Planning and Development Committee, and the Finance and Administration Committee, be considered in Committee of the Whole with Alderman O'Sullivan in the chair.

Recorded vote.

YEAS: Mayor R. M. Morrow, Aldermen M. Kiss, A. Horwath, R. Corsini, B. Morelli, D. Haining, D. Wilson, G. Copps, C. Collins, F. Eisenberger, T. Jackson, T. Anderson, B. Charters, B. Kelly, F. D'Amico, D. O'Sullivan. –16.

NAYS: -0.

CARRIED.

TRANSPORT AND ENVIRONMENT COMMITTEE – TENTH REPORT

Rule No. 9 Re: Noise Complaint

It was moved by Alderman Collins and seconded by Alderman Eisenberger that Rule No. 9 of the City's Procedural By-law No. 95-167 be invoked for this meeting of City Council in order to allow the introduction of a resolution respecting a noise complaint. **CARRIED.**

* * * * *

Section 19 Re: Noise Complaint

It was moved by Alderman Collins and seconded by Alderman Eisenberger that the following resolution be added as Section 19 of the **Tenth** Report of the Transport and Environment Committee for 1998:

- (a) That the City of Stoney Creek, Licencing Committee, be advised that the City of Hamilton has received complaints about noise emanating from Carrera's Restaurant, No. 931 Queenston Road, Stoney Creek; and,
- (b) That the City of Stoney Creek be asked to respond to these concerns and advise on what action can be taken to address the problem." **CARRIED.**

PARKS AND RECREATION COMMITTEE – NINTH REPORT

Section 4 Re: Leash Free Zone – One Year Trial Program

Recorded vote.

YEAS: Mayor R. M. Morrow, Aldermen M. Kiss, A. Horwath, R. Corsini, B. Morelli, D. Wilson, G. Copps, C. Collins, F. Eisenberger, T. Jackson, T. Anderson, B. Charters, B. Kelly, F. D'Amico, D. O'Sullivan. -16.

NAYS: Alderman D. Haining -1.

CARRIED.

* * * * *

Rule No. 9 Re: Proposed Waterfront Purchase from CN Rail

It was moved by Alderman Morelli and seconded by Alderman Haining that Rule No. 9 of the City's Procedural By-law No. 95-167 be invoked for this meeting of City Council in order to allow the introduction of a resolution respecting the proposed Waterfront Purchase from CN Rail.

CARRIED.

* * * * *

Section 10 Re: Canadian National Railway – Stuart Street Yards harbour shoreline

It was moved by Alderman Morelli and seconded by Alderman Haining, that the following resolution be added as Section 10 of the **Ninth** Report of the Parks and Recreation Committee for 1998:

- (a) That the City purchase from Canadian National Railways that portion of its Stuart Street Yard's harbour shoreline situate between Desjardins Canal on its West and Bayfront Park on its East and having a width of not less than 3 metres, together with CNR's adjacent waterlot, subject to and upon the following terms and conditions:
- (i)

Purchase price	\$1,714,687 (deposit \$180,000)
CNR expenses	<u>\$ 245,000</u>
Total purchase price	\$1,959,687
 - (ii) Closing date: 1998 December 14; and,
 - (iii) CNR shall use its best efforts to remove debris prior to closing. City agrees to erect and maintain a barrier within 30 days of completing the purchase, along easterly limit of the property to prevent access to the property until such time as the City has erected the fence (discussed below) along the property line. CNR shall not be required to remove the balance of its improvements until 180 days after Notice from the City. Such Notice shall not require vacant possession until after June 15 in any year and CNR shall not be required to handle removal during the November 15 to April 15 period. CNR shall not be required to remove any buildings. After completion of the transaction, CNR shall have a Licence to re-enter the property to remove CNR's improvements, such Licence to continue until sixty days after the expiry of the said notice from the City; and,
 - (iv) City agrees to erect at City expense a fence prior to City's use or development of the property as a trail, upon design specifications approved in advance by CNR. City agrees to enter into an agreement with CNR prior to completion of the purchase to confirm the City shall, at its expense be responsible for the maintenance of the fence, its signs and fixtures, save and except for any damage to the fence arising as a result of the actions of CNR or its tenants on the lands being retained by CNR; and,

- (v) Lands and waterlot included in purchase are described generally as Parts 1, 6, 25 and 34 on a draft Reference Plan prepared by Yates & Purcell Ltd, Surveyors, numbered as PS-97-049 and described as Parts 1 & 3 on their draft Reference Plan numbered as PS-98-3,(an area of land & land covered by water of about 28 acres); and,
- (vi) City agrees to accept, on closing, a transfer to the City of the property, subject to:
 - 1. all registered or unregistered agreements with municipalities and publicly or privately regulated utilities; and,
 - 2. all registered or unregistered easements, rights, covenants and/or restrictions in favour of municipalities, publicly or privately regulated utilities or adjoining owners, or that otherwise run with the land; and,
 - 3. any encroachments as may be revealed by an up-to-date survey; and,
 - 4. the Permitted Encumbrances set out in a Schedule annexed to this report. The City agrees to satisfy itself with respect to compliance with all such agreements, restrictions or covenants and agrees that CNR shall not be required to provide any evidence of compliance with same; and,
- (vii) In the event that following completion, any authority, including a public or private utility, claims an easement, right of way or other right of use over, under, along or upon a below grade portion of the property and such authority makes a claim or threatens to bring an action against and/or involving CNR to assert such claim, the Purchaser agrees, to grant a registered easement to any such authority, following completion, if CNR requests that the City do so to give effect to any unregistered rights already enjoyed by such authority, if applicable, on terms to be arranged between the City and the authority; and,
- (viii) City agrees:
 - (aa)that the use of the property will not interfere with or conflict with the use, enjoyment and operation of the Rail Yard as part of an active railway operation; and,
 - (bb)that no path, road, bridge, structure, building and/or other improvement may be built, constructed, materially altered and/or employed upon the property, unless all aspects of the construction, use and design have been:
 - (i) approved by CNR, acting reasonably, in writing and in advance, where such proposed improvement amounts to a material alteration of the use of the property as a recreational urban trail comprised of a path on the ground which has a hard surface with the requisite landscaping, benches and other related improvements on the ground; or

- (ii) approved of by CNR, acting reasonably, in writing and in advance, where such proposed improvement would effect drainage, lighting requirements and/or the required fence; or
- (iii) described to CNR in sufficient detail in a written notice delivered so as to allow CNR a reasonable period of time and a reasonable opportunity to review, consider and provide comments to the City, which comments the City shall carefully review, consider and discuss with CNR in a meaningful and consultative fashion, although the City shall not be obliged to accept such comments if the City is not satisfied that such comments are appropriate, where such proposed Improvement does not amount to an Improvement described above.

City agrees, prior to completion of this transaction, to enter into an agreement pertaining to the matters referred to in this paragraph which agreement will be prepared by the solicitors for CNR and contain such terms as CNR and the City consider appropriate, acting reasonably; and,

- (ix) City agrees it shall be responsible to remedy, respond to or otherwise deal with any complaints, concerns, issues and/or claims arising from the property and its proximity to the existence, use and/or operation of the Rail Yard and any noise, vibration, or other nuisance resulting from the operation of the Rail Yard, provided that such complaint, concern, issue and/or claim arises from an aspect of the use and operation of the Rail Yard which does not violate any of the relevant requirements of the Canada Transportation Commission. The CNR shall be fully responsible to respond to, deal with and address all complaints, concerns, issues and/or claims which arise from any alleged operation of the Rail Yard in violation of the relevant requirements of the Canada Transportation Commission; and,
- (x) City agrees that on the completion of this transaction, the City shall deliver to the CNR an indemnity, in a form and containing such terms as are acceptable to the CNR, acting reasonably, indemnifying and saving harmless the CNR, its successors and assigns, from and against any liabilities, costs, damages, expenses and/or claims, arising as a result of and/or in relation to the negligence and/or wilful misconduct of the City in the use of the property by the City, its successors, assigns, licences, invitees, employees, contractors, agents, and others who may be upon the property from time to time.

Such indemnity shall include the covenant of the City not to object to and/or complain arising from the property and its proximity to the use and operation of the Rail Yard for purposes related to the operation of an active railway.

Furthermore, such indemnity shall stipulate that the City is responsible at its sole cost, to take all reasonable care and implement appropriate measures to prevent any trespass from the property to the lands to be retained by the CNR, including the Rail Yard, as the CNR shall have no such obligation; and,

- (xi) City and CNR shall enter into an agreement regarding City's trail intended to pass beneath the CNR rail bridge above the Desjardins Canal as required by the federal Canadian Transportation Act. The City shall allow CNR to use the City trail upon and over the Desjardins Canal, for purposes of CNR's access to its bridge for inspection and maintenance of the CNR rail bridge; and,
- (xii) CNR makes no representation to the City regarding the condition of the property. City may inspect the property's environmental conditions with its consultants and agrees to provide true copies of all letters, reports and evaluations, in draft and final form, on the condition of the property to CNR.

If the Report(s) discloses environmental contamination not acceptable to the City or to CNR, either party may cancel this transaction by Notice to the other party on or before 1998 December 10, ; and,

- (xiii) If CNR has not cancelled the sale and the City completes the Purchase, the City agrees to accept the condition of the property "as is", and shall comply with all orders issued against the property if any, including any order issued against CNR; and,
- (xiv) City releases and forever discharges CNR from any liability or obligation in respect of any costs, including legal and witness costs, claims, demands, civil actions, prosecutions, or administrative hearings, fines, judgments, awards, including awards of costs, that may arise as a result of the condition of the property, any order issued in connection with the condition of the property, or any loss, damage, or injury caused either directly or indirectly as a result of the condition of the property, save and except for any environmental contamination the City can establish was caused by the migration of contaminants following completion from adjacent lands owned by CNR to the property; and,

City also agrees to indemnify and save harmless the Vendor from any liability or obligation in respect of the environmental condition of the property, including costs, including legal and witness costs, claims, demands, civil actions, prosecutions or administrative hearings, fines, judgments, awards, including awards of costs, which may result from:

1. any action by any government agency, tribunal or other authority, including the Ministry of the Environment; and/or
2. any increase in the obligations of the Vendor and/or Purchaser with respect to the environmental condition of the property which result from any alteration in the use of the property in accordance with a site specific risk assessment to be undertaken by the Purchaser as a nature trail for recreational use in parkland; and/or

3. any failure by the Purchaser to comply with the recommendations and/or stipulations with respect to the use and environmental condition of the property made as a result of the site specific risk assessment to be undertaken by the Purchaser in respect of the property.

In the event that it is established by the City that any contaminants upon the property migrated to the adjacent lands owned by and retained by CNR prior to completion, CNR shall not seek compensation from the City for such contamination of such adjacent lands which occurred prior to completion for which the City was not responsible; and,

- (b) The City shall grant to CNR at or prior to completion of this purchase:
 - (i) an easement and right of way for an existing driveway access located upon City land (Parts 23 and 24, 62R-12134,) located between Harbour Front Drive and the Northerly limit of land being retained by CNR; and,
 - (ii) an easement and right of way for vehicular access from the existing CNR service road turnaround across and upon the City trail for CNR's access to inspect or maintain its rail bridge above the Desjardins Canal; and,
 - (iii) an easement and right of way for access upon the Desjardins Canal portion of the City's walkway trail to inspect and maintain CNR's rail bridge crossing and above the Desjardins Canal; and,
- (c) That the Mayor and City Clerk be authorized to execute an Offer to Purchase from CNR the said property incorporating the said terms and related conditions and to execute the said easements, documents and agreements authorized above to be entered into by the City with CNR. The City's Offer to Purchase to CNR shall be irrevocable and open for acceptance by CNR until 1998 October 23. The said Offer incorporating the said terms, the said easements and other agreements shall be in a form satisfactory to the City Solicitor and the Commissioner of Public Works and Traffic.

CARRIED.

PLANNING AND DEVELOPMENT COMMITTEE – FIFTEENTH REPORT
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**Section 7 Re: Loan – Downtown Convert/Renovate-to-Residential Loan Program – 25
Hughson Street South**

It was moved by Alderman Charters and seconded by Alderman Eisenberger that Section 7 of the Fifteenth Report of the Planning and Development Committee be tabled. **CARRIED.**

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It was moved by Alderman D'Amico and seconded by Alderman Kelly that Section 7 of the Fifteenth Report of the Planning and Development Committee which was tabled earlier at this meeting be now lifted from the table and considered. **CARRIED.**

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It was moved by Alderman D'Amico and seconded by Alderman Kelly that Section 7 of the Fifteenth Report of the Planning and Development Committee be tabled for two weeks.. **CARRIED.**

Recorded vote.

YEAS: Aldermen M. Kiss, A. Horwath, B. Morelli, D. Haining, D. Wilson, G. Copps, C. Collins, F. Eisenberger, T. Jackson, T. Anderson, B. Charters, D. O'Sullivan. -- 12.

NAYS: Mayor R. M. Morrow, Aldermen R. Corsini, B. Kelly, F. D'Amico. -4. **CARRIED.**

* * * * *

Section 8 Re: Application CDM-CONV-98-004 – Kendale (11-21) Inc. – 11 Kendale Court

Recorded vote.

YEAS: Mayor R. M. Morrow, Aldermen M. Kiss, R. Corsini, B. Morelli, D. Haining, D. Wilson, G. Copps, C. Collins, F. Eisenberger, T. Jackson, T. Anderson, B. Charters, B. Kelly, F. D'Amico, D. O'Sullivan. -15.

NAYS: Alderman A. Horwath. -1. **CARRIED.**

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Section 9 Re: CDM-CONV-98-005 – Kendale (11-21) Inc. – 21 Kendale Court

Recorded vote.

YEAS: Mayor R. M. Morrow, Aldermen M. Kiss, R. Corsini, B. Morelli, D. Haining, D. Wilson, G. Copps, C. Collins, F. Eisenberger, T. Jackson, T. Anderson, B. Charters, B. Kelly, F. D'Amico, D. O'Sullivan. -15.

NAYS: Alderman A. Horwath. -1. **CARRIED.**

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Section 10 Re: CDM-CONV-98-006 – George Sinclair Construction Inc. – 65 Mount Albion Road Court

Recorded vote.

YEAS: Mayor R. M. Morrow, Aldermen M. Kiss, R. Corsini, B. Morelli, D. Haining, D. Wilson, G. Copps, C. Collins, F. Eisenberger, T. Jackson, T. Anderson, B. Charters, B. Kelly, F. D'Amico, D. O'Sullivan. -15.

NAYS: Alderman A. Horwath. -1.

CARRIED.

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Section 11 Re: CDM-CONV-98-008 –C & H Rowe – 1950 Main Street West

Recorded vote.

YEAS: Mayor R. M. Morrow, Aldermen M. Kiss, R. Corsini, B. Morelli, D. Haining, D. Wilson, G. Copps, C. Collins, F. Eisenberger, T. Jackson, T. Anderson, B. Charters, B. Kelly, F. D'Amico, D. O'Sullivan. -15.

NAYS: Alderman A. Horwath. -1.

CARRIED.

PLANNING AND DEVELOPMENT COMMITTEE – SIXTEENTH REPORT

Section 1 Re: Gamesmanship Equipment Inc. – 105-115 King Street East, 117 King Street East, 80 King William Street, 80A King William Street and 77 King William Street – Building rehabilitation and conversion

Recorded vote.

YEAS: Mayor R. M. Morrow, Aldermen M. Kiss, A. Horwath, R. Corsini, B. Morelli, D. Haining, D. Wilson, C. Collins, F. Eisenberger, T. Jackson, T. Anderson, B. Charters, B. Kelly, F. D'Amico, D. O'Sullivan. -15.

NAYS: Alderman G. Copps. -1.

CARRIED.

* * * * *

Section 2 Re: CDM-CONV-98-007 - Barton Ellis Holdings Limited (In Trust) – 293 Mohawk Road East

It was moved by Alderman Copps and seconded by Alderman Haining that Section 2 of the Sixteenth Report of the Planning and Development Committee be referred back to the Planning and Development Committee. **CARRIED.**

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Section 3 Re: CDM-CONV-98-009 - Gaspar & Silva Ltd. – 37-57 Mericourt Road

It was moved by Alderman Copps and seconded by Alderman Haining that Section 3 of the Sixteenth Report of the Planning and Development Committee be referred back to the Planning and Development Committee. **CARRIED.**

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Section 4 Re: CDM-CONV-98-010 - Lapa Investments Ltd. – 893 Concession Street

It was moved by Alderman Copps and seconded by Alderman Haining that Section 4 of the Sixteenth Report of the Planning and Development Committee be referred back to the Planning and Development Committee. **CARRIED.**

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Section 5 Re: Offer to Settle: Appeals – Official Plan Amendment No. 151 – Rental Housing

Recorded vote.

YEAS: Mayor R. M. Morrow, Aldermen M. Kiss, A. Horwath, R. Corsini, B. Morelli, D. Haining, D. Wilson, C. Collins, F. Eisenberger, T. Jackson, T. Anderson, B. Charters, B. Kelly, F. D'Amico, D. O'Sullivan. –15.

NAYS: Alderman G. Copps. -1.

CARRIED.

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Section 6 Re: 66-68 King Street East – Acquisition of Property

It was moved by Alderman D'Amico and seconded by Alderman Haining that the following be added as Section 6 of the Sixteenth Report of the Planning and Development Committee for 1998:

6. That no action be taken to acquire the property at 66 to 68 King Street East.

Recorded vote.

YEAS: Aldermen M. Kiss, B. Morelli, D. Haining, D. Wilson, C. Collins, F. Eisenberger, T. Jackson, T. Anderson, B. Charters, B. Kelly, D. O'Sullivan. -11.

NAYS: Mayor R. M. Morrow, Aldermen A. Horwath, R. Corsini, G. Copps, F. D'Amico
-5. **CARRIED.**

FINANCE AND ADMINISTRATION COMMITTEE – EIGHTEENTH REPORT

Section 6 Re: G. & E. DeGregorio – Not waive 5% Land Dedication Fees for 181 John St. N.

Recorded vote.

YEAS: Aldermen M. Kiss, B. Morelli, D. Haining, G. Copps, D. Wilson, F. Eisenberger, B. Charters, T. Jackson, T. Anderson, B. Kelly, F. D'Amico, D. O'Sullivan. -12.

NAYS: Mayor R. M. Morrow, Aldermen A. Horwath, R. Corsini, C. Collins. -4.
CARRIED.

* * * * *

Rule No. 9 Re: Breathing Air Compressors

It was moved by Alderman Wilson and seconded by Alderman Copps that Rule No. 9 of the City's Procedural By-law No. 95-167 be invoked for this meeting of City Council in order to permit consideration of a resolution respecting the purchase of two (2) Breathing Air Compressors.
CARRIED.

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Section 12 Re: Breathing Air Compressors

It was moved by Alderman Wilson and seconded by Alderman Copps that the following be added as Section 12 of the Eighteenth Report for 1998 of the Finance and Administration Committee:

- (a) That a purchase order be issued to Jordair Compressors Inc., Richmond, B.C., in the amount of \$169,489.30 including all applicable taxes, for the supply and delivery of two (2) Breathing Air Compressors complete with cascade systems (air storage) and fill stations, in accordance with Canadian Standard Association standard CAN3-Z180.1-M85 breathing air quality standard; and,

- (b) That the net cost to purchase two (2) Breathing Air Compressors complete with cascade system (air storage) and fill stations at a cost not to exceed \$162,490, be financed by a transfer of funds from the Reserve for Major Repairs to Mobile Equipment, Account Centre No. CH 00103. **CARRIED.**

* * * * *

Rule No. 9 Re: Payment of Expenses – Status of Women Committee

It was moved by Alderman Horwath and seconded by Alderman Corsini that Rule No. 9 of the City of Hamilton Procedural By-law be invoked for this meeting of City Council in order to permit consideration respecting payment of expenses of two members of the Status of Women Committee. **CARRIED.**

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Section 13 Re: Payment of Expenses – Status of Women Committee

It was moved by Alderman Horwath and seconded by Alderman Corsini that the following be added as Section 13 of the Eighteenth Report of the Finance and Administration Committee for 1998:

13. That notwithstanding the previous direction of the Finance and Administration Committee, payment be made to two current members of the Status of Women Committee for out of pocket expenses incurred by them as a result of their attendance at the Conference of the National Action Committee in June, 1998. **CARRIED.**

ACTING MAYOR FOR THE MONTH OF OCTOBER, 1998

It was moved by Alderman Kiss and seconded by Alderman Copps that Alderman Tom Jackson be appointed Acting Mayor for the month of October, 1998. **CARRIED.**

* * * * *

It was moved by Alderman Kiss and seconded by Alderman Copps that the Report of the Committee of the Whole on the Reports of the Transport and Environment Committee, the Parks and Recreation Committee, the Planning and Development Committee, and the Finance and Administration Committee, be adopted. **CARRIED.**

Recorded vote.

YEAS: Mayor R. M. Morrow, Aldermen M. Kiss, A. Horwath, R. Corsini,
B. Morelli, D. Haining, D. Wilson, G. Copps, C. Collins, F. Eisenberger,
T. Jackson, T. Anderson, B. Charters, B. Kelly, F. D'Amico, D. O'Sullivan. –
16.

NAYS: -0.

CARRIED.

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City Council then adjourned at 10:30 o'clock p.m.

* * * * *

Taken as read and approved.

**MAYOR R. M. MORROW
CHAIRMAN**

**J. J. Schatz
City Clerk
1998 September 29
/dg**

REPORT OF THE TRANSPORT AND ENVIRONMENT COMMITTEE

To the Council of the Corporation of the City of Hamilton

Members of Council:

The Transport and Environment Committee presents its **TENTH** Report for 1998 and respectfully recommends:

1. That the existing "No Stopping" regulation on the east side of McIntosh Avenue commencing at Stone Church Road West and extending to a point 45 feet southerly therefrom be extended an additional 49 feet southerly, and that the City Traffic By-law No. 89-72 be amended accordingly.
2.
 - (a) That a "Permit Parking" regulation be implemented on the south side of Clinton Street commencing at a point 137 feet east of Barnesdale Avenue North and extending to a point 19 feet easterly therefrom, and that the City Traffic By-law No. 89-72 be amended accordingly; and,
 - (b) That the Commissioner of Public Works and Traffic be authorized to issue one parking permit to Mrs. Katherine Charles, No. 78 Clinton Street.
3.
 - (a) That a "Permit Parking" regulation be implemented on the east side of Cope Street commencing at a point 69 feet south of Newlands Avenue and extending to a point 16 feet southerly therefrom, and that the City Traffic By-law No. 89-72 be amended accordingly; and,
 - (b) That the Commissioner of Public Works and Traffic be authorized to issue one parking permit to Mrs. Shirley Warring, No. 280 Cope Street.
4.
 - (a) That a "Permit Parking" regulation be implemented on the north side of Gertrude Street commencing at a point 4 feet west of the extended west curb line of Rowanwood Street and extending to a point 19 feet westerly therefrom, and that the City Traffic By-law No. 89-72 be amended accordingly; and,
 - (b) That the Commissioner of Public Works and Traffic be authorized to issue one parking permit to Mr. Nicholas Laufman, No. 93 Gertrude Street.
5. That the existing "No Parking" regulation on the north side of King William Street, commencing 78 feet east of James Street North and extending to a point 60 feet easterly therefrom, be removed, and that the City Traffic By-law No. 89-72 be amended accordingly.

6.
 - (a) That the existing "No Parking" regulation on the south side of Limeridge Road East between West 5th Street and Hawkrige Avenue be removed; and,
 - (b) That the existing "No Stopping" regulation on the south side of Limeridge Road East, commencing at West 5th Street and extending to a point 214 feet easterly therefrom be revised such that the regulation commences at West 5th Street and extends to a point 154 feet easterly therefrom; and,
 - (c) That the City Traffic By-law No. 89-72 be amended accordingly.
7. That the existing "Alternate Side Parking" regulation on Cheever Street between Burton Street and the T.H. & B. Railway Tracks be replaced with a full time parking prohibition on the east side and unrestricted parking on the west side of this street, and that the City Traffic By-law No. 89-72 be amended accordingly.
8. That a "Permit Parking" regulation be implemented on the west side of Belview Avenue commencing at a point 26 feet south of Cannon Street East and extending to a point 18 feet southerly therefrom, and that the City Traffic By-law No. 89-72 be amended accordingly.
9. That the existing "Permit Parking" regulation on the east side of John Street North commencing at a point 25 feet north of Strachan Street East and extending to a point 33 feet northerly therefrom be removed, and that the City Traffic By-law No. 89-72 be amended accordingly.
10.
 - (a) That northbound traffic on Artistic Boulevard be required to stop for eastbound and westbound traffic on Paris Avenue; and
 - (b) That southbound traffic on Artistic Boulevard be required to stop for eastbound and westbound traffic on Embassy Drive; and
 - (c) That the City Traffic By-law No. 89-72 be amended accordingly.
11.
 - (a) That the Quinndale Neighbourhood be designated as a Neighbourhood Watch Area; and
 - (b) That Neighbourhood Watch signs for the Quinndale Neighbourhood be erected and maintained by the Department of Public Works and Traffic, as long as this neighbourhood maintains an active Neighbourhood Watch Program as determined by the Regional Police Department; and,

- (c) That the necessary funds be charged to the Neighbourhood Watch Program, Account No. CH55301 75030.
12. (a) That the Macassa Neighbourhood be designated as a Neighbourhood Watch Area; and
- (b) That Neighbourhood Watch signs for the Macassa Neighbourhood be erected and maintained by the Department of Public Works and Traffic, as long as this neighbourhood maintains an active Neighbourhood Watch Program as determined by the Regional Police Department; and,
- (c) That the necessary funds be charged to the Neighbourhood Watch Program, Account No. CH55301 75030.
13. That the application of 900 CHML Hometown Radio to erect a banner over Main Street West from 1998 December 7 to 1998 December 14, with the following message:
- "Please Support the Christmas Tree of Hope - 900 CHML"
- be approved.
14. (a) That the following City land be incorporated into the following streets:
- | | | |
|--------------|----------|----------------|
| Acadia Drive | Part 3 | Plan 62R-10529 |
| Crerar Drive | Block 16 | Plan 62M-728 |
| Elk Court | Block 14 | Plan 62M-728 |
| | Block 44 | Plan 62M-848 |
- (b) That the by-laws to carry out the incorporation of the said land into the foregoing streets be prepared to the satisfaction of the City Solicitor and be enacted by Council; and,
- (c) That the Commissioner of Transportation be authorized and directed to register the by-laws.
15. (a) That the submitted schedules of works be adopted for inclusion in the Subdivision Agreements with the Owners for the estimated costs of services in:

"Bow Valley Estates", Hamilton

City's Share \$ 3,972.33 Subdivider's Share \$135,949.41

"Central Estates", Hamilton

City's Share -NIL Owner's Share \$ 73,154

- (b) That the Mayor and City Clerk be authorized and directed to execute the proposed Subdivision Agreement with the Owners of Bow Valley Estates, Hamilton and Central Estates, Hamilton as well as and any other related documents for these Subdivisions subject to the approval of the City Solicitor; and,
 - (c) That the approval of the above-noted clauses be subject to the condition that no work be commenced until the Final Plan and Subdivision Agreement have been registered; and,
 - (d) In the event that the owner wishes to proceed prior to the registration of the Final Plan and Subdivision Agreement being registered the owner should be allowed to do so at their own risk provided that the owner enters into a standard agreement with the City of Hamilton for pre-servicing; and,
 - (e) That the City's Share of \$4,145.04 for fencing adjacent to City owned lands in connection with the subdivision, Bar-Brock Estates - Phase 4 be approved.
16. That the applications to retain inadvertent encroachments at the locations as listed below, be approved during the pleasure of Council, provided:
- (a) That the owners enter into agreements satisfactory to the City Solicitor and Commissioner of Transportation to indemnify and save the City harmless from all actions, causes of action, interests, claims, demands, costs, damages, expenses and loss; and,
 - (b) That the Mayor and City Clerk be authorized to execute the City's standard form of agreement; and,
 - (c) That the first year fees and subsequent annual fees, as listed below, be set for the encroachments.

<u>Location and Municipal Address</u>	<u>Owner</u>	<u>Type of Encroachment</u>	<u>First Year/ Annual Fee</u>
Harrison Ave. (location) 19 Division St. (Municipal Address)	K. & M. Dawson	Chimney encroaching by 0.070 x 0.60 m	\$185/20
25 Connaught Avenue North	A. Meek	Steps encroaching by 0.20m x 1.80m	\$185/20
341 Strathearne Avenue	Echo Renovations & J. Stone & J. Thomas	Porch and stairs encroaching by 4' x 2'	\$185/20

17. (a) That the construction of a concrete sidewalk on the east side of Main Street West along the frontage of No. 1895 Main Street West proceed as a local improvement on petition by the owners pursuant to Section 11 of The Local Improvement Act at an estimated gross cost of \$74,000 with a City's Share of \$38,259 be financed from the 1998 Capital Levy and an Owner's Share of \$35,741 be financed by the issuance of debentures for a term not to exceed 15 years as provided in the 1998 portion of the 1998 - 2007 Capital Budget; and,
- (b) That the Commissioner of Public Works and Traffic be authorized and directed to prepare the necessary By-law in a form satisfactory to the City Solicitor; and,
- (c) That the Commissioner of Public Works and Traffic be authorized to construct these works once all the necessary approvals have been received.
18. That the following Bills be adopted, signed, sealed and enrolled as By-laws:
- (a) A-65 A By-law to Incorporate City Land Designated as Block 16 of Plan 62M-728 into Crerar Drive
- (b) A-66 A By-law to Incorporate City Land Designated as Part 3 on Plan 62R-10529 into Acadia Drive
- (c) A-67 A By-law to Incorporate City Land Designated as Block 14 on Plan 62M-728 and Block 44 on Plan 62M-848 into Elk Court
- (d) A-68 A By-law to Amend Traffic By-law No. 89-72 to Regulate Traffic
- (e) A-69 A By-law to Amend Traffic By-law No. 89-72 to Regulate Traffic
19. (a) That the City of Stoney Creek, Licencing Committee, be advised that the City of Hamilton has received complaints about noise emanating from Carrera's Restaurant, No. 931 Queenston Road, Stoney Creek; and
- (b) That the City of Stoney Creek be asked to respond to these concerns and advise on what action can be taken to address the problem." **ADDED.**

Respectfully Submitted,

**ALDERMAN C. COLLINS, CHAIRMAN
TRANSPORT AND ENVIRONMENT COMMITTEE**

**Kevin C. Christenson, Secretary
1998 September 21**

REPORT OF THE PARKS AND RECREATION COMMITTEE

To the Council of the Corporation of the City of Hamilton

Members of Council:

The Parks and Recreation Committee presents its **NINTH** Report for 1998 and respectfully recommends:

1. (a) That approval as required by Section 17 (1) and Section 26 of the Fireworks By-law No. 90-198 and Section 5 of Parks By-law No. 95-126 as amended, be given to the Director of Culture and Recreation to hold a fireworks display on Lake Avenue Baseball Park, 1998 October 16 as part of the Heritage Festival of Riverdale Community Council, subject to the Terms and Conditions of the Special Events Guidelines; and,

(b) That the Mayor and Clerk be authorized to execute a Licence Agreement, satisfactory to the City Solicitor, with Cadillac Fairview, in connection with the fireworks display to be held by Riverdale Community Council as part of the New Year's Eve festivities.
2. (a) That approval as required by Parks By-law No. 95-126 as amended, Section 37, to bring animals into a park, be given to the City of Hamilton to bring reindeer into Gore Park during the 1998 Christmas Celebrations; and,

(b) That 900 CHML "Hometown Radio" be authorized to conduct on-site broadcasts from Gore Park during the November and December period as part of the "CHML Christmas Tree of Hope Campaign"; and,

(c) That the above items be subject to the Terms and Conditions of the Special Events Guidelines.
3. (a) That a two-sided plaque commemorating the historical significance of the Toronto, Hamilton and Buffalo Railway be approved; and,

(b) That the wording for the plaque attached hereto and marked as Appendix "A", be approved; and,

(c) That the plaque be erected on City property at the northeast corner of Hunter and James Streets; and,

(d) That the cost of the two-sided plaque in the approximate amount of \$5,000-\$6,000 (including taxes) be paid for by the Head-of-the-Lake Historical Society.

4. (a) That City Council approve in principle a one year trial program to permit a leash free area on the City owned open space adjacent to the SPCA centre at 245 Dartnall Road, Hamilton; and,
- (b) That staff in conjunction with the Task Force and Ward Aldermen hold a public Open House in the vicinity of the pilot project site; and,
- (c) That a citizen's committee known as "P.A.L.Z." (People Advocating Leash Free Zones) be authorized to undertake promotion, site monitoring, upkeep and financing capital improvement at the leash free pilot project site; and,
- (d) That the Task Force together with P.A.L.Z. be authorized to continue working with the SPCA to establish a potential source of revenue generation for development of leash free zones; and,
- (e) That prior to undertaking site improvements, P.A.L.Z. be required to submit a funding strategy for consideration and approval of Committee; and,
- (f) That the Task Force report back to Committee on the results of this trial project.

Recorded vote.

YEAS: Mayor R. M. Morrow, Aldermen M. Kiss, A. Horwath, R. Corsini, B. Morelli, D. Wilson, G. Copps, C. Collins, F. Eisenberger, T. Jackson, T. Anderson, B. Charters, B. Kelly, F. D'Amico, D. O'Sullivan. -16.

NAYS: Alderman D. Haining -1.

CARRIED.

5. (a) That the scope of work for the approved 1998 Capital Budget Project CF4101 718753001 - Restoring Architectural Features - Historic Sites be amended to include provisions to complete Landscape Upgrades at Dundurn Castle as per preferred design plan from the Parks Division of the Department of Public Works and Traffic at an upset cost of \$55,000 and to remediate the Castle space formally occupied by the Aviary for productive use at an upset limit of \$10,000; and,
- (b) That these works proceed immediately upon approval in order to complete resurfacing work prior to the winter season; and,
- (c) That the approved Capital Budget for these works be increased from \$40,000 to \$65,000 on the basis that an increase in the City Capital Budget is not required; and,
- (d) That the Finance and Administration Committee be requested to identify a source of funding.

6.
 - (a) That Council endorse the actions of the Director of Culture and Recreation in authorizing emergency repair work on the chimney, Museum of Steam and Technology on the basis of safety and costs; and,
 - (b) That approval be given to increase the Purchase Order No. 35371 issued previously to 818185 Ontario Inc. O/A Robertson Restoration of Brantford, Ontario as the General Contractor by \$130,974 plus \$9,168 in applicable GST, to undertake the emergency repair work for the chimney in the Hamilton Museum of Steam and Technology; and,
 - (c) That the Purchase Order No. 34016 issued to Edwin Rowse Architect Inc. be increased by \$19,000 plus \$1,330 in applicable GST to reflect the additional fees due to the increase in the scope of work to complete the design, investigation and documentation of repair work; and,
 - (d) That staff be authorized to approach the Federal Government (the Cost Share funding partner) to contribute to the additional funding requirements; and,
 - (e) That the relevant contracts be amended by the City Solicitor to reflect the changes; and,
 - (f) That the Treasurer be requested to recommend a source of funding for the shortfall of \$109,974.
7.
 - (a) That for the purpose of compliance with O.Reg 151/90, the Commissioner of Public Works and Traffic be authorized to remove fill placed on City-owned lands adjacent to No. 359 Hixon Road at an estimated cost of \$21,000; and,
 - (b) That the Commissioner of Public Works and Traffic be directed to secure the municipality-owned lands to ensure further placement of fill does not occur in the future; and,
 - (c) That a copy of this recommendation be forwarded to the H.R.C.A. for its consideration.
 - (d) That the Finance and Administration Committee be requested to identify a source of funding.
8.
 - (a)
 - (i) That a 3 metre wide strip of property being part of No. 1149 and No. 1151 Beach Boulevard, be declared surplus to the requirements of the City of Hamilton in accordance with the Real Property Sales Procedural By-law No. 95-049; and,

- (ii) That the Real Estate Division be authorized and directed to sell an easement on this property in accordance with the Real Property Sales Procedural By-law No. 95-049; and,
 - (b)
 - (i) That an Offer to Purchase (Easement) for the 3 metre wide strip of property being part of No. 1149 and No. 1151 Beach Boulevard for the price of \$2, to be executed by Trans-Northern Pipelines Inc., be accepted. The said 3 metre (10 foot) more or less, wide strip containing an area of 164.8 square metres (1,773.9 square feet) more or less, being more specifically described as Parts 2, 3 and 4 on Reference Plan Drawing No. 20-98-069-001 prepared by Marshall, Macklin, Monaghan Ontario Limited, said transaction scheduled to close on 1998 November 18. Funds derived from this sale be credited to Account No. CH4X501 00102 (Reserve for Property Purchases(Sales)); and,
 - (ii) That the City Clerk be authorized and directed to execute and issue a Certificate of Compliance in the form prescribed pursuant to Section 193 of the Municipal Act incorporating the following:
 - (1) satisfactory notice has been given to the public of the intended sale; and,
 - (2) no appraisal of the fair market value of the real property intended to be sold has been obtained as easements granted to Public Utilities are exempt from appraisal requirements of Section 193 of the Municipal Act; and,
 - (iii) That the Mayor and City Clerk be authorized to execute any and all documents and/or notices required by applicable legislation in a form satisfactory to the City Solicitor; and,
 - (c) That an Authority to Enter noted as Schedule "C" to the Offer to Purchase (Easement) be approved, to permit entry by Trans-Northern Pipelines Inc. on the subject lands prior to the completion of the subject purchase.
9. That City Council request the Hamilton Region Conservation Authority to reconsider and amend their criteria for the location of the proposed "Giants Rib" Discovery Centre.
10. (a) That the City purchase from Canadian National Railways that portion of its Stuart Street Yard's harbour shoreline situate between Desjardins Canal on its West and Bayfront Park on its East and having a width of not less than 3 metres, together with CNR's adjacent waterlot, subject to and upon the following terms and conditions:
- (i)

Purchase price	\$1,714,687	(deposit \$180,000)
CNR expenses	<u>\$ 245,000</u>	
Total purchase price	\$1,959,687	

- (ii) Closing date: 1998 December 14; and,
- (iii) CNR shall use its best efforts to remove debris prior to closing. City agrees to erect and maintain a barrier within 30 days of completing the purchase, along easterly limit of the property to prevent access to the property until such time as the City has erected the fence (discussed below) along the property line. CNR shall not be required to remove the balance of its improvements until 180 days after Notice from the City. Such Notice shall not require vacant possession until after June 15 in any year and CNR shall not be required to handle removal during the November 15 to April 15 period. CNR shall not be required to remove any buildings. After completion of the transaction, CNR shall have a Licence to re-enter the property to remove CNR's improvements, such Licence to continue until sixty days after the expiry of the said notice from the City; and,
- (iv) City agrees to erect at City expense a fence prior to City's use or development of the property as a trail, upon design specifications approved in advance by CNR. City agrees to enter into an agreement with CNR prior to completion of the purchase to confirm the City shall, at its expense be responsible for the maintenance of the fence, its signs and fixtures, save and except for any damage to the fence arising as a result of the actions of CNR or its tenants on the lands being retained by CNR; and,
- (v) Lands and waterlot included in purchase are described generally as Parts 1, 6, 25 and 34 on a draft Reference Plan prepared by Yates & Purcell Ltd, Surveyors, numbered as PS-97-049 and described as Parts 1 & 3 on their draft Reference Plan numbered as PS-98-3,(an area of land & land covered by water of about 28 acres); and,
- (vi) City agrees to accept, on closing, a transfer to the City of the property, subject to:
 - 1. all registered or unregistered agreements with municipalities and publicly or privately regulated utilities; and,
 - 2. all registered or unregistered easements, rights, covenants and/or restrictions in favour of municipalities, publicly or privately regulated utilities or adjoining owners, or that otherwise run with the land; and,
 - 3. any encroachments as may be revealed by an up-to-date survey; and,
 - 4. the Permitted Encumbrances set out in a Schedule annexed to this report. The City agrees to satisfy itself with respect to compliance with all such agreements, restrictions or covenants and agrees that CNR shall not be required to provide any evidence of compliance with same; and,

(vii) In the event that following completion, any authority, including a public or private utility, claims an easement, right of way or other right of use over, under, along or upon a below grade portion of the property and such authority makes a claim or threatens to bring an action against and/or involving CNR to assert such claim, the Purchaser agrees, to grant a registered easement to any such authority, following completion, if CNR requests that the City do so to give effect to any unregistered rights already enjoyed by such authority, if applicable, on terms to be arranged between the City and the authority; and,

(viii) City agrees:

- (aa) that the use of the property will not interfere with or conflict with the use, enjoyment and operation of the Rail Yard as part of an active railway operation; and,
- (bb) that no path, road, bridge, structure, building and/or other improvement may be built, constructed, materially altered and/or employed upon the property, unless all aspects of the construction, use and design have been:
 - (i) approved by CNR, acting reasonably, in writing and in advance, where such proposed improvement amounts to a material alteration of the use of the property as a recreational urban trail comprised of a path on the ground which has a hard surface with the requisite landscaping, benches and other related improvements on the ground; or
 - (ii) approved of by CNR, acting reasonably, in writing and in advance, where such proposed improvement would effect drainage, lighting requirements and/or the required fence; or
 - (iii) described to CNR in sufficient detail in a written notice delivered so as to allow CNR a reasonable period of time and a reasonable opportunity to review, consider and provide comments to the City, which comments the City shall carefully review, consider and discuss with CNR in a meaningful and consultative fashion, although the City shall not be obliged to accept such comments if the City is not satisfied that such comments are appropriate, where such proposed Improvement does not amount to an Improvement described above.

City agrees, prior to completion of this transaction, to enter into an agreement pertaining to the matters referred to in this paragraph which agreement will be prepared by the solicitors for CNR and

contain such terms as CNR and the City consider appropriate, acting reasonably; and,

- (ix) City agrees it shall be responsible to remedy, respond to or otherwise deal with any complaints, concerns, issues and/or claims arising from the property and its proximity to the existence, use and/or operation of the Rail Yard and any noise, vibration, or other nuisance resulting from the operation of the Rail Yard, provided that such complaint, concern, issue and/or claim arises from an aspect of the use and operation of the Rail Yard which does not violate any of the relevant requirements of the Canada Transportation Commission. The CNR shall be fully responsible to respond to, deal with and address all complaints, concerns, issues and/or claims which arise from any alleged operation of the Rail Yard in violation of the relevant requirements of the Canada Transportation Commission; and,
- (x) City agrees that on the completion of this transaction, the City shall deliver to the CNR an indemnity, in a form and containing such terms as are acceptable to the CNR, acting reasonably, indemnifying and saving harmless the CNR, its successors and assigns, from and against any liabilities, costs, damages, expenses and/or claims, arising as a result of and/or in relation to the negligence and/or wilful misconduct of the City in the use of the property by the City, its successors, assigns, licences, invitees, employees, contractors, agents, and others who may be upon the property from time to time.

Such indemnity shall include the covenant of the City not to object to and/or complain arising from the property and its proximity to the use and operation of the Rail Yard for purposes related to the operation of an active railway.

Furthermore, such indemnity shall stipulate that the City is responsible at its sole cost, to take all reasonable care and implement appropriate measures to prevent any trespass from the property to the lands to be retained by the CNR, including the Rail Yard, as the CNR shall have no such obligation; and,

- (xi) City and CNR shall enter into an agreement regarding City's trail intended to pass beneath the CNR rail bridge above the Desjardins Canal as required by the federal Canadian Transportation Act. The City shall allow CNR to use the City trail upon and over the Desjardins Canal, for purposes of CNR's access to its bridge for inspection and maintenance of the CNR rail bridge; and,
- (xii) CNR makes no representation to the City regarding the condition of the property. City may inspect the property's environmental conditions with its consultants and agrees to provide true copies of all letters, reports and evaluations, in draft and final form, on the condition of the property to CNR.

If the Report(s) discloses environmental contamination not acceptable to the City or to CNR, either party may cancel this transaction by Notice to the other party on or before 1998 December 10, ; and,

- (xiii) If CNR has not cancelled the sale and the City completes the Purchase, the City agrees to accept the condition of the property "as is", and shall comply with all orders issued against the property if any, including any order issued against CNR; and,
- (xiv) City releases and forever discharges CNR from any liability or obligation in respect of any costs, including legal and witness costs, claims, demands, civil actions, prosecutions, or administrative hearings, fines, judgments, awards, including awards of costs, that may arise as a result of the condition of the property, any order issued in connection with the condition of the property, or any loss, damage, or injury caused either directly or indirectly as a result of the condition of the property, save and except for any environmental contamination the City can establish was caused by the migration of contaminants following completion from adjacent lands owned by CNR to the property; and,

City also agrees to indemnify and save harmless the Vendor from any liability or obligation in respect of the environmental condition of the property, including costs, including legal and witness costs, claims, demands, civil actions, prosecutions or administrative hearings, fines, judgments, awards, including awards of costs, which may result from:

1. any action by any government agency, tribunal or other authority, including the Ministry of the Environment; and/or
2. any increase in the obligations of the Vendor and/or Purchaser with respect to the environmental condition of the property which result from any alteration in the use of the property in accordance with a site specific risk assessment to be undertaken by the Purchaser as a nature trail for recreational use in parkland; and/or
3. any failure by the Purchaser to comply with the recommendations and/or stipulations with respect to the use and environmental condition of the property made as a result of the site specific risk assessment to be undertaken by the Purchaser in respect of the property.

In the event that it is established by the City that any contaminants upon the property migrated to the adjacent lands owned by and retained by CNR prior to completion, CNR shall not seek compensation from the City for such contamination of such adjacent lands which occurred prior to completion for which the City was not responsible; and,

- (b) The City shall grant to CNR at or prior to completion of this purchase:
 - (i) an easement and right of way for an existing driveway access located upon City land (Parts 23 and 24, 62R-12134,) located between Harbour Front Drive and the Northerly limit of land being retained by CNR; and,

- (ii) an easement and right of way for vehicular access from the existing CNR service road turnaround across and upon the City trail for CNR's access to inspect or maintain its rail bridge above the Desjardins Canal; and,
 - (iii) an easement and right of way for access upon the Desjardins Canal portion of the City's walkway trail to inspect and maintain CNR's rail bridge crossing and above the Desjardins Canal; and,
- (c) That the Mayor and City Clerk be authorized to execute an Offer to Purchase from CNR the said property incorporating the said terms and related conditions and to execute the said easements, documents and agreements authorized above to be entered into by the City with CNR. The City's Offer to Purchase to CNR shall be irrevocable and open for acceptance by CNR until 1998 October 23. The said Offer incorporating the said terms, the said easements and other agreements shall be in a form satisfactory to the City Solicitor and the Commissioner of Public Works and Traffic.

ADDED.

Respectfully Submitted,

**ALDERMAN B. MORELLI, CHAIRMAN
PARKS AND RECREATION COMMITTEE**

**Kevin C. Christenson, Secretary
1998 September 21**

THE TORONTO, HAMILTON & BUFFALO RAILWAY

Hamilton's second major rail carrier, the Toronto, Hamilton and Buffalo Railway, was conceived in response to the merger of the Great Western and Grand Trunk Railways, thus providing Hamilton with an alternative shipping system. Linking the Canadian Pacific line and the Michigan Central Railroad's Canadian trackage in the Niagara Peninsula, the TH&B began limited operation from its west Hamilton yard in May 1895. The first train arrived at the Hunter Street Station from Welland on December 30th of that year. Although not completed, by running out of downtown Hamilton before year's end, the railway was able to collect municipal financial incentives. Toronto to Buffalo service was finally achieved in May 1897. Initially a passenger carrier, it was not until 1899 with the completion of the Belt Line into industrial east-end Hamilton that the railway met its goal of financial stability through freight traffic.

The original station, a stone and brick structure complete with an ornate four-storey tower, was situated on the northeast corner of James and Hunter Streets. A tunnel under Hunter Street West cut through a prehistoric sandbar and hid the line's route through a prime residential neighbourhood. In contrast, the line was not concealed through the working-class Corktown district to the east where the railway's freight depot and sheds were also located.

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The first locomotive shop and roundhouse were situated immediately west of Garth (Dundurn) Street; these were later replaced by larger facilities in the Aberdeen Yard.

During the Depression, two major projects were undertaken, funded by the City, the Federal Government and the Railway. The first, a grade separation, addressed a longstanding complaint that the rail line disrupted traffic on the north-south city streets. The construction of underpasses remedied this problem; however, as a cost-saving measure, it was decided to close off some streets to through traffic. The elevation of the tracks necessitated the second project, the construction of a new terminal. To accommodate this, Hunter Street was jogged to the north between John and James Streets. Opened on June 26, 1933, the seven-storey Art Moderne structure was located to the immediate southeast of the original station.

Although its activities were limited to Southern Ontario, from its inception to the 1970s, the TH&B was predominantly owned by the Michigan and New York Central Railroads. Canadian Pacific, a minority shareholder from the beginning, finally acquired controlling interest in 1977. Thirteen years later, the TH&B faded into history when its rolling stock was repainted in Canadian Pacific's colours.

In July 1996 the former TH&B station, completely refurbished, began service as the Hamilton GO Centre.

This Plaque sponsored by the Head-of-the-Lake Historical Society

REPORT OF THE PLANNING AND DEVELOPMENT COMMITTEE

To the Council of the Corporation of the City of Hamilton

Members of Council:

The Planning and Development Committee presents its **FIFTEENTH** Report for 1998 and respectfully recommends:

1. (a) That approval be given to Official Plan Amendment No. 153 to establish a Special Policy Area to permit limited commercial uses within the existing building, on lands known municipally as 27 Dundurn Street, as shown on the attached map marked as Appendix "A", and that the City Solicitor be directed to prepare a By-law of adoption for submission to the Regional Municipality of Hamilton-Wentworth; and,
- (b) That approval be given to amended Zoning Application ZAC-98-18, Hugh Macleod, owner, requesting a modification to the established "D" (Urban Protected Residential - One and Two Family Dwellings, etc.) District to permit a sixty (60) seat live theatre, a twenty-four (24) seat restaurant, and one (1) residential dwelling unit within the existing building for lands, located at 27 Dundurn Street North, as shown on the attached map marked as Appendix "A", subject to the following conditions:
 - (i) That the amending By-law apply the holding provisions of Section 36(1) of the Planning Act, R.S.O., 1990, to the subject lands by introducing the holding symbol 'H' as a suffix to the proposed zoning district. The holding provision will prohibit the development of the subject lands until:
 - (a) The applicant submits a signed Record of Site Condition (RSC) to the Region and Ministry of Environment and Energy (MOEE). This RSC must be to the satisfaction of the Region, including an acknowledgement of receipt of the RSC by the Ministry of Environment and Energy; and,
 - (b) The applicant/owner has applied for and received approval of a Site Plan Control Application from the City of Hamilton; and,

City Council may remove the 'H' symbol, and thereby give effect to the "D" District modified provisions as stipulated in this By-law, by enactment of an amending By-law once these conditions are fulfilled; and,

- (ii) That the "D" (Urban Protected Residential - One and Two Family Dwellings, etc.) District regulations, as contained in Section 10 of Zoning By-law No. 6593, applicable to the subject lands be modified to include the following variances as special provisions:
 - (a) That notwithstanding Section 10.(1), the following uses shall be permitted only within the building, existing on the day of passing of this By-law:
 - (i) a sixty (60) seat live theatre; and,
 - (ii) a twenty-four (24) seat "unlicensed" restaurant; and,
 - (iii) one (1) dwelling unit; and,
 - (iv) For each establishment a "business identification sign" that is a wall sign and/or window sign of an area of not more 2.5 square metres (26.91 square feet), no sign shall exceed 2.0 metres (6.0 feet) in height and every sign shall be so designed, installed and maintained as to ensure that the illumination is deflected away from all lands designated for residential uses; and,
 - (b) That notwithstanding Section 18A of Zoning By-law No. 6593, a minimum seven (7) parking spaces shall be provided and maintained; and,
 - (c) That notwithstanding Section 18A. (11) and (12) of Zoning By-law No. 6593, a planting strip not less than 1.5 m wide and a visual barrier not less than 1.8 m and not greater than 2.0 m in height shall be provided and maintained along the entire westerly lot line, except for the first 5.0 m from Hunt Street; and,
 - (d) That notwithstanding Section 18A. (11) and (12) of Zoning By-law No. 6593, a planting strip not less than 1.0 m wide and a visual barrier not less than 1.8 m and 2.0 m not greater than in height shall be provided and maintained along the easterly lot line from Hunt Street, except for the first 5.0 m from Hunt Street; and,
 - (e) That a landscape area not less than 6.0 m in depth shall be provided and maintained along Hunt Street, except for any area used for driveway access; and,

- (f) Every lighting facility shall be so designed, installed and maintained as to ensure that the light is deflected away from all lands designated for residential uses, and any lighting of signs shall similarly be so deflected; and,
 - (iii) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Section S-1412, and the lands on Zoning District Map W-22 be notated S-1412; and,
 - (iv) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map W-22 for presentation to City Council; and,
 - (v) That the proposed modification in zoning is in conformity with the Official Plan for the City of Hamilton Planning Area upon approval of Official Plan Amendment No. 153 by the Regional Municipality of Hamilton-Wentworth.
2. (a) That approval be given to Official Plan Amendment No. 154, to establish a new Special Policy Area to permit a naturopathic clinic within the existing building, on lands known municipally as 537 Queenston Road (Block "2"), as shown on the attached map marked as Appendix "B", and that the City Solicitor be directed to prepare a By-law of adoption for submission to the Regional Municipality of Hamilton-Wentworth; and,
- (b) That approval be given to Amended Zoning Application ZAC-98-27, Marco Ramelli and Mukesh Patel, owners, requesting a modification to the established "B-1" (Suburban Agricultural and Residential, etc.) District regulations, to permit a chiropractic office for property located at 535 Queenston Road (Block "1"), and a naturopathic office for property located at 537 Queenston Road (Block "2"), as shown on the attached map marked as Appendix "B", on the following basis:
- (i) That the "B-1" (Suburban Agricultural and Residential, etc.) District regulations, as contained in Section 8A of Zoning By-law No. 6593, applicable to Block "1", be modified to include the following variances as special requirements:
 - (1) That notwithstanding Section 8A(1) of Zoning By-law No. 6593, the following uses shall be permitted:
 - (a) a medical office (chiropractic office) having a maximum gross floor area of 65 m² shall only be permitted on the ground floor of the existing building; and,
 - (b) a ground sign that shall not exceed 0.9 m in vertical dimension or 0.6 m² in area; and,

- (c) no sign shall be illuminated unless the source of light is steady and suitably shielded to contain illumination; and,
 - (2) Section 18A(14) of Zoning By-law No. 6593 shall not apply; and,
 - (3) Section 18A(26) of Zoning By-law No. 6593 shall not apply; and,
 - (4) That a landscape planting strip of not less than 3.0 m in width shall be provided and maintained along the southerly lot line, except any area used for vehicular access, only where an encroachment agreement for landscaping has not been entered into with the Region, for a minimum 3.0 m wide planting strip within the widened road allowance limits of Queenston Road; and,
 - (5) That a visual barrier of not less than 1.2 m in height and not more than 2.0 m in height shall be provided and maintained along the northerly lot line; and,
- (ii) That the "B-1" (Suburban Agricultural and Residential, etc.) District regulations, as contained in Section 8A of Zoning By-law No. 6593, applicable to Block "2", be modified to include the following variances as special requirements:
- (1) That notwithstanding Section 8A(1) of Zoning By-law No. 6593, the following uses shall be permitted:
 - (a) a medical office (naturopathic office) having a maximum gross floor area of 65 m² shall only be permitted on the ground floor of the existing building; and,
 - (b) a ground sign that shall not exceed 0.9 m in vertical dimension or 0.6 m² in area; and,
 - (c) no sign shall be illuminated unless the source of light is steady and suitably shielded to contain illumination; and,
 - (2) Section 18A(14) of Zoning By-law No. 6593 shall not apply; and,
 - (3) Section 18A(26) of Zoning By-law No. 6593 shall not apply; and,
 - (4) That a landscape planting strip of not less than 3.0 m in width shall be provided and maintained along the southerly lot line, except any area used for vehicular access, only where an encroachment agreement for landscaping has not been entered into with the Region, for a

minimum 3.0 m wide planting strip within the widened road allowance limits of Queenston Road; and,

- (5) That a visual barrier of not less than 1.2 m in height and not more than 2.0 m in height shall be provided and maintained along the easterly and northerly lot lines; and,
 - (iii) That the amending By-law be added to Section 19B of Zoning By-law No. 6593, as Section S-1413, and that the subject lands on Zoning District Map E-95 be notated S-1413; and,
 - (iv) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-95 for presentation to City Council; and,
 - (v) That the proposed change and modifications in zoning will be in conformity with the Official Plan for the City of Hamilton Planning Area upon approval of Official Plan Amendment No. 154 by the Regional Municipality of Hamilton-Wentworth; and,
 - (c) That Site Plan Control By-law No. 79-275, as amended by By-law No. 87-233, be amended by adding the subject lands to Schedule 'A'; and,
 - (d) That Planning Department staff be directed to undertake a Neighbourhood Plan review for the areas designated "Low Density Apartments" on the east and west side of Woodman Avenue North on the north side of Queenston Road (535 to 537 Queenston Road).
3. (a) That approval be given to City Initiative 98-D, for modifications to Zoning By-law No. 6593 for the properties on the west side (bay side) of Beach Boulevard, in the Beach neighbourhood, to regulate the floor elevations of new buildings and additions in the "C" (Urban Protected Residential) District, the "G" (Neighbourhood Shopping Centre) District, and the "H" (Community Shopping and Commercial, etc.) District provisions, as shown on the attached maps marked as Appendices "C", "D" and "E", on the following basis:
- (i) That the "C" (Urban Protected Residential) District, the "G" (Neighbourhood Shopping Centre) District, and the "H" (Community Shopping and Commercial, etc.) District provisions as contained in Sections 9, 13 and 14, respectively of Zoning By-law No. 6593, be modified to include the following variances as special requirements:
 - (1) that in addition to the provisions of the Zoning By-law, the minimum ground floor elevation of any building, except for accessory structures or addition to buildings less than 14 m² in area, shall be

76.0 m above mean sea level, as defined by the Geodetic Survey Datum; and,

- (2) no basement or cellar shall be permitted for any building, except for accessory structures and any additions less than 14 m² in area; and,
- (3) that any addition, less than 14 m² in area, shall have a minimum floor elevation at or above the existing floor elevation of the building; and,
- (4) a lot grading agreement that conforms to an overall grading plan and approved by the Building Commissioner shall be entered into prior to the issuance of a building permit; and,

(ii) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-1414 and that the subject lands on Zoning District Maps E-80b, E-80c, E-80d, E-80e and E-80f be notated S-1414; and,

(iii) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Maps E-80b, E-80c, E-80d, E-80e and E-80f, for presentation to City Council; and,

(iv) That the proposed modifications in zoning are in conformity with the Official Plan for the Hamilton Planning Area; and,

(b) That Site Plan Control By-law No. 79-275, as amended by By-law No 87-223, be further amended by adding the lands located on the west side (bay side) of Beach Boulevard and the Director of Planning and Development be directed to prepare a By-law, to amend By-law 79-275, for presentation to City Council.

4. That approval be given to City Initiative 96-G to remove charity gaming clubs (charity casinos) and associated definitions as permitted uses in the Zoning By-law as follows:

(a) That By-Law No. 97-73 be deleted its entirety; and,

(b) That Section 4 - Prohibited Uses of Zoning By-law No. 6593 be amended by adding a new clause as follows:

"(7) The use of a Charity Casino (Charity Gaming Club) which means any premises or parts thereof, containing table games and/or video lottery terminal and/or slot machines or any other such game or device approved by the Alcohol and Gaming Commission of Ontario is hereby prohibited."; and,

(c) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 for presentation to City Council; and,

- (d) That the proposed modifications in zoning are in conformity with the Official Plan for the Hamilton Planning Area.
- 5. (a) That the Building Commissioner be authorized to issue a demolition permit for 342 Dundurn Street South in accordance with By-law 74-290 pursuant to section 33 of The Planning Act, as amended; and,
 - (b) That the demolition permit be issued only after the site plan for 330 Dundurn Street South has been finalized.
- 6. (a) That the appropriate By-law be enacted to replace Property Standards By-Law 94-185.
 - (b) That By-Law 94-185 passed on 1994 November 8 in accordance with the Planning Act, R.S.O. 1990, Chapter P. 13, and its amendments be repealed.
- 7. (a) That a loan under the Downtown Convert/Renovate-to-Residential Loan Program in the amount of up to four hundred thousand dollars, (\$400,000) to DeSantis Group Inc., (Tony DeSantis) for conversion of 25 Hughson Street South into twenty five (25) residential units be approved, subject to the following:
 - (i) Fulfilment of the borrowing requirements of the Downtown Convert/Renovate-to-Residential Loan Program; and,
 - (ii) Exact amount of loan to be determined once unit sizes are finalized; and,
 - (iii) Approval by the Ministry of Municipal Affairs and Housing of an amended Downtown Community Improvement Plan; and,
- (b) That Schedule "A" of By-law 97-140 be amended to replace the maximum of eight (8) units per deeded property with a maximum of \$500,000 per deeded property; and,
- (c) That staff take the necessary steps under the Planning Act to amend the Downtown Community Improvement Plan and the By-law; and,
- (d) That the City Solicitor be authorized to prepare the necessary By-law; and,
- (e) That a grant under the Core Heritage 2000 Program in the amount of \$75,000 to DeSantis Group Inc., (Tony DeSantis) for facade improvements be approved, subject to the applicant meeting the requirements of the Program that is currently pending approval by the Ministry of Municipal Affairs and Housing; and,

- (f) That the loan approval be conditional on the applicant receiving a structural permit within three months of 1998 September 23, and a building permit within six months of 1998 September 23.

TABLED FOR TWO WEEKS.

Recorded vote.

YEAS: Aldermen M. Kiss, A. Horwath, B. Morelli, D. Haining, D. Wilson, G. Copps, C. Collins, F. Eisenberger, T. Jackson, T. Anderson, B. Charters, D. O'Sullivan. - 12.

NAYS: Mayor R. M. Morrow, Aldermen R. Corsini, B. Kelly, F. D'Amico. -4.

CARRIED.

8. (a) That approval be granted to application CDM-CONV-98-004 (Regional File 25CDM-98006) submitted by Kendale (11-21) Inc., owner, for a draft plan of condominium for property located at No. 11 Kendale Court, as shown on the attached Plan marked as Appendix "F", to provide for a condominium comprised of 101 individual apartment condominium units, subject to the following conditions:
- (i) That this approval applies to the attached draft plan dated 1998 May 26 (Appendix "F") prepared by A.T. McLaren Limited; and,
 - (ii) That the owner enter into a Condominium Approval Agreement with the City incorporating these conditions of approval, including financial and other requirements of the City concerning roads, sidewalks, street lights and drainage, as the case may be, in a form satisfactory to the City Solicitor; and,
 - (iii) That prior to approval of the final plan:
 - (1) property taxes shall be in good standing, and the plan of condominium shall conform with General Zoning By-law No. 6593 and the Official Plan, and,
 - (2) any variances or rezoning required in respect of the draft plan of condominium shall have been approved by the Committee of Adjustment or Council, as the case may be, in order that the draft plan of condominium is in compliance with General Zoning By-law 6593; and,
- (b) That the City Clerk be directed to advise the Commissioner of the Regional Environment Department of Council's decision.

Recorded vote.

YEAS: Mayor R. M. Morrow, Aldermen M. Kiss, R. Corsini, B. Morelli, D. Haining, D. Wilson, G. Copps, C. Collins, F. Eisenberger, T. Jackson, T. Anderson, B. Charters, B. Kelly, F. D'Amico, D. O'Sullivan. -15.

NAYS: Alderman A. Horwath. -1.

CARRIED.

9. (a) That approval be granted to application CDM-CONV-98-005 (Regional File 25CDM-98007) submitted by Kendale (11-21) Inc., owner, for a draft plan of condominium for property located at No. 21 Kendale Court, as shown on the attached Plan marked as Appendix "G", to provide for a condominium comprised of 101 individual apartment condominium units, subject to the following conditions:
- (i) That this approval applies to the attached draft plan dated 1998 May 26 (Appendix "G") prepared by A.T. McLaren Limited; and,
 - (ii) That the owner enter into a Condominium Approval Agreement with the City incorporating these conditions of approval, including financial and other requirements of the City concerning roads, sidewalks, street lights and drainage, as the case may be, in a form satisfactory to the City Solicitor; and,
 - (iii) That prior to approval of the final plan:
 - (1) property taxes shall be in good standing, and the plan of condominium shall conform with General Zoning By-law No. 6593 and the Official Plan, and,
 - (2) any variances or rezoning required in respect of the draft plan of condominium shall have been approved by the Committee of Adjustment or Council, as the case may be, in order that the draft plan of condominium is in compliance with General Zoning By-law 6593; and,
- (b) That the City Clerk be directed to advise the Commissioner of the Regional Environment Department of Council's decision.

Recorded vote.

YEAS: Mayor R. M. Morrow, Aldermen M. Kiss, R. Corsini, B. Morelli, D. Haining, D. Wilson, G. Copps, C. Collins, F. Eisenberger, T. Jackson, T. Anderson, B. Charters, B. Kelly, F. D'Amico, D. O'Sullivan. -15.

NAYS: Alderman A. Horwath. -1.

CARRIED.

10. (a) That approval be granted to application CDM-CONV-98-006 (Regional File 25CDM-98008) submitted by George Sinclair Construction Inc., owner, for a draft plan of condominium for property located at No. 65 Mount Albion Road, as shown on the attached Plan marked as Appendix "H", to provide for a condominium comprised of 8 individual townhouse condominium units, subject to the following conditions:
- (i) That this approval applies to the attached draft plan dated 1998 June 15 (Appendix "H") prepared by A.T. McLaren Limited; and,
 - (ii) That the owner enter into a Condominium Approval Agreement with the City incorporating these conditions of approval, including financial and other requirements of the City concerning roads, sidewalks, street lights and drainage, as the case may be, in a form satisfactory to the City Solicitor; and,
 - (iii) That prior to approval of the final plan:
 - (1) property taxes shall be in good standing, and the plan of condominium shall conform with General Zoning By-law No. 6593 and the Official Plan, and,
 - (2) any variances or rezoning required in respect of the draft plan of condominium shall have been approved by the Committee of Adjustment or Council, as the case may be, in order that the draft plan of condominium is in compliance with General Zoning By-law 6593; and,
- (b) That the City Clerk be directed to advise the Commissioner of the Regional Environment Department of Council's decision.

Recorded vote.

YEAS: Mayor R. M. Morrow, Aldermen M. Kiss, R. Corsini, B. Morelli, D. Haining, D. Wilson, G. Copps, C. Collins, F. Eisenberger, T. Jackson, T. Anderson, B. Charters, B. Kelly, F. D'Amico, D. O'Sullivan. -15.

NAYS: Alderman A. Horwath. -1.

CARRIED.

11. (a) That approval be granted to application CDM-CONV-98-008 (Regional File 25CDM-98011) submitted by Christopher and Henrietta Rowe, owner, for a draft plan of condominium for property located at No. 1950 Main Street West, as shown on the attached Plan marked as Appendix "I", to provide for a condominium comprised of 88 individual apartment condominium units, subject to the following conditions:

- (i) That this approval applies to the attached draft plan dated 1998 June 26 (Appendix "I") prepared by A.T. McLaren Limited; and,
- (ii) That the owner enter into a Condominium Approval Agreement with the City incorporating these conditions of approval, including financial and other requirements of the City concerning roads, sidewalks, street lights and drainage, as the case may be, in a form satisfactory to the City Solicitor; and,
- (iii) That prior to approval of the final plan:
 - (1) property taxes shall be in good standing, and the plan of condominium shall conform with General Zoning By-law No. 6593 and the Official Plan, and,
 - (2) any variances or rezoning required in respect of the draft plan of condominium shall have been approved by the Committee of Adjustment or Council, as the case may be, in order that the draft plan of condominium is in compliance with General Zoning By-law 6593. In particular, and not limited to, a successful application to the Committee of Adjustment is required to address the non-conforming parking situation; and,
- (b) That the City Clerk be directed to advise the Commissioner of the Regional Environment Department of Council's decision.

Recorded vote.

YEAS: Mayor R. M. Morrow, Aldermen M. Kiss, R. Corsini, B. Morelli, D. Haining, D. Wilson, G. Copps, C. Collins, F. Eisenberger, T. Jackson, T. Anderson, B. Charters, B. Kelly, F. D'Amico, D. O'Sullivan. -15.

NAYS: Alderman A. Horwath. -1.

CARRIED.

- 12. (a) That a secured loan in the amount of twenty-five thousand dollars (\$25,000) to T & R Auto Service Centre Inc., for improvements to 221 Barton Street East be approved subject to the fulfillment of the borrowing requirements of the Commercial Property Improvement Loan Program. The interest rate is set at 3.75 per cent, amortized over ten (10) years; and,
- (b) That a grant from the Barton Street Revitalization Fund in the amount of twelve thousand, five hundred dollars (\$12,500) be utilized to pay-down this loan as per the terms of the Barton Street Revitalization Program; and,

- (c) That an unsecured loan from the Barton Street Revitalization Fund in the amount of five thousand dollars (\$5,000) to T & R Auto Service Centre, for improvements to 221 Barton Street East be approved subject to the fulfillment of the borrowing requirements of the Commercial Property Improvement Loan Program. The interest rate is set at 3.75 per cent, amortized over a period less than seven (7) years; and,
 - (d) That a grant from the Barton Street Revitalization Fund in the amount of two thousand, five hundred dollars, (\$2,500) be utilized to pay-down this loan as per the terms of the Barton Street Revitalization Loan Program.
- 13.
 - (a) That a secured loan in the amount of fifteen thousand, nine hundred dollars (\$15,900) to Alcino Duarte, for improvements to 415 Barton Street East be approved subject to the fulfillment of the borrowing requirements of the Commercial Property Improvement Loan Program. The interest rate is set at 3.75 per cent, amortized over ten (10) years; and,
 - (b) That a grant from the Barton Street Revitalization Fund in the amount of seven thousand, nine hundred and fifty dollars (\$7,950) be utilized to pay-down this loan as per the terms of the Barton Street Revitalization Program.
- 14.
 - (a) That a secured loan in the amount of twenty-five thousand dollars (\$25,000) to Jose Antonio and Ana Maria Santos, for improvements to 419 Barton Street East, be approved subject to the fulfillment of the borrowing requirements of the Commercial Property Improvement Loan Program. The interest rate is set at 3.25 per cent, amortized over ten (10) years; and,
 - (b) That a grant from the Barton Street Revitalization Fund in the amount of twelve thousand, five hundred dollars (\$12,500) be utilized to pay-down this loan as per the terms of the Barton Street Revitalization Program; and,
 - (c) That an unsecured loan from the Barton Street Revitalization Fund in the amount of five thousand dollars (\$5,000) to Jose Antonio and Ana Maria Santos, for improvements to 419 Barton Street East be approved subject to the fulfillment of the borrowing requirements of the Commercial Property Improvement Loan Program. The interest rate is set at 3.25 per cent, amortized over a period less than seven (7) years; and,
 - (d) That a grant from the Barton Street Revitalization Fund in the amount of two thousand, five hundred dollars, (\$2,500) be utilized to pay-down this loan as per the terms of the Barton Street Revitalization Loan Program.

15.
 - (a) That a secured loan in the amount of twenty-five thousand dollars (\$25,000) to 603818 Ontario Limited, for improvements to 524 Barton Street East be approved subject to the fulfillment of the borrowing requirements of the Commercial Property Improvement Loan Program. The interest rate is set at 3.75 per cent, amortized over ten (10) years; and,
 - (b) That a grant from the Barton Street Revitalization Fund in the amount of twelve thousand, five hundred dollars (\$12,500) be utilized to pay-down this loan as per the terms of the Barton Street Revitalization Program; and,
 - (c) That an unsecured loan from the Barton Street Revitalization Fund in the amount of five thousand dollars (\$5,000) to 603818 Ontario Limited, for improvements to 524 Barton Street East be approved subject to the fulfillment of the borrowing requirements of the Commercial Property Improvement Loan Program. The interest rate is set at 3.75 per cent, amortized over a period less than seven (7) years; and,
 - (d) That a grant from the Barton Street Revitalization Fund in the amount of two thousand, five hundred dollars, (\$2,500) be utilized to pay-down this loan as per the terms of the Barton Street Revitalization Loan Program.
16.
 - (a) That a secured loan in the amount of twenty-five thousand dollars (\$25,000) to Macrotop Investment Inc., for improvements to 579-581 Barton Street East be approved subject to the fulfillment of the borrowing requirements of the Commercial Property Improvement Loan Program. The interest rate is set at 3.75 per cent, amortized over ten (10) years; and,
 - (b) That a grant from the Barton Street Revitalization Fund in the amount of twelve thousand, five hundred dollars (\$12,500) be utilized to pay-down this loan as per the terms of the Barton Street Revitalization Program; and,
 - (c) That an unsecured loan from the Barton Street Revitalization Fund in the amount of five thousand dollars (\$5,000) to Macrotop Investment Inc., for improvements to 579-581 Barton Street East be approved subject to the fulfillment of the borrowing requirements of the Commercial Property Improvement Loan Program. The interest rate is set at 3.75 per cent, amortized over a period less than seven (7) years; and,
 - (d) That a grant from the Barton Street Revitalization Fund in the amount of two thousand, five hundred dollars, (\$2,500) be utilized to pay-down this loan as per the terms of the Barton Street Revitalization Loan Program.
17. That a Hamilton Emergency Loan (H.E.L.P.) in the amount of two thousand dollars (\$2,000) be approved for Audrey Masi, 810 Beach Boulevard. The interest rate will be 2 per cent amortized over 5 years.

18. That the Building Commissioner be authorized to issue a demolition permit for 364 Osborne Street in accordance with By-Law 74-290 pursuant to Section 33 of The Planning Act, as amended.
19. That Region of Hamilton-Wentworth and the Town of Flamborough be advised the City of Hamilton opposes the proposed Regional and Town of Flamborough Official Plan Amendments and the associated zoning by-law amendment, to permit the development of the lands at the south-east corner of Highways #5 and #6, for a "small power centre" containing 24,154 m² of retail commercial uses because of the impacts on the commercial areas, particularly the downtown core in Hamilton.
20. (a) That approval be given to application CDM-98-04 (Regional File 25CDM-98014), Eden Oak Hamilton Inc. (Romas Kartavicius), owner, to establish a draft plan of condominium, located at the southwest corner of Chedmac Drive and Rice Avenue and known municipally as 50 Rice Avenue, as shown on the attached map marked as Appendix "J", to provide for a condominium comprised of a total of 40 residential townhouse dwelling units ("The Renoir", Phase II.), subject to the following conditions:
 - (i) That this approval apply to the attached draft plan (Appendix "J"), prepared by J.D. Barnes Ltd. and certified by S.J. Balaban, O.L.S., dated 1998 June 23 showing a total of 40 residential townhouse units; and,
 - (ii) That the Final Plan of Condominium be in conformity with the Site Plan approved on 1998 June 8 under application DA-98-14; and,
 - (iii) That the applicant satisfy all conditions of Site Plan Application DA-98-14 to the satisfaction of the City of Hamilton, prior to final approval of the Plan of Condominium; and,
 - (iv) That the following warning clause be registered on title for Units 1, 2, 19, 20, 21 and 22, to the satisfaction of the Director of Planning and Development and the City Solicitor:

"Purchasers and/or tenants are advised there is a Laundry facility located to the west of this property which services a number of hospitals"; and,
 - (v) That the following warning clause be registered on title for Units 21-40 inclusive, to the satisfaction of the Director of Planning and Development and the City Solicitor:

"This unit has been fitted with forced air heating with rough-in provisions made to accommodate central air conditioning at a later date (Note: air cooling condensing unit shall be located in a noise insensitive area)."; and,

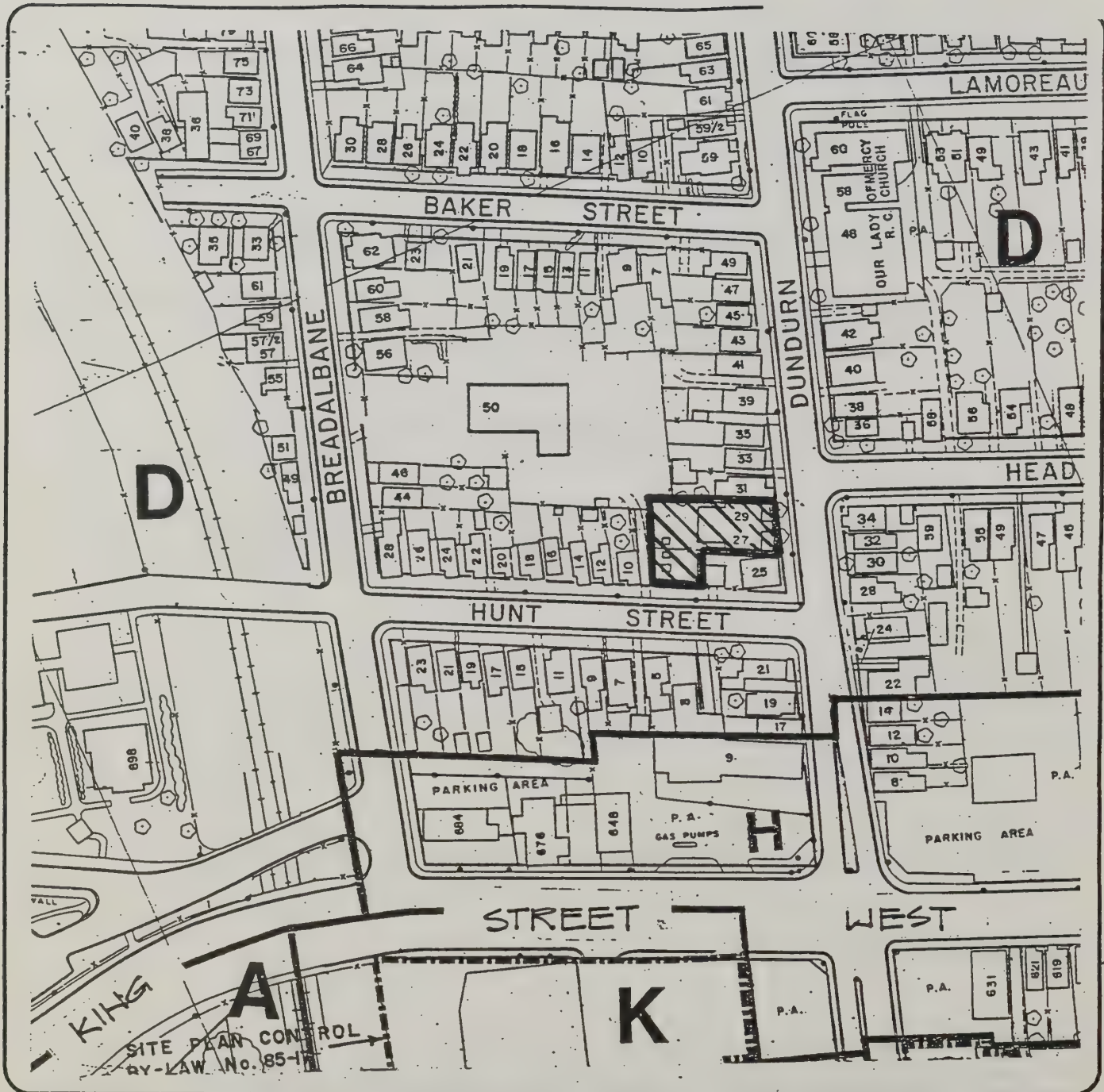
- (vi) That the applicant enter into a Condominium Approval Agreement with the City incorporating these conditions of approval, including financial and other requirements of the City concerning roads, sidewalks, street lights and drainage, as the case may be, in a form satisfactory to the City Solicitor; and,
 - (vii) That a clause be inserted on title and/or in the Condominium Agreement advising prospective purchasers of the proposed Chedmac Drive and Rice Avenue realignment; and,
 - (viii) That the owner satisfy all conditions, financial or otherwise, of the City of Hamilton; and,
 - (b) That the City Clerk be directed to advise the Regional Commissioner of Environment of Council's decision.
21. (a) That approval be given to Part Lot Control Application 98-06, Chedoke Health Corporation, owner, to remove part-lot control for Lots 2 to 21, inclusive, located in "Tiffany, Phase 2", Registered Plan 62M-850, to permit the creation of maintenance easements, as shown on the attached map marked as Appendix "K"; and,
- (b) That the appropriate By-law, to remove part lot control from Lots 2 to 21, inclusive Registered Plan 62M-850, "Tiffany, Phase 2" plan of subdivision, be enacted by Council; and,
- (c) That the exempting By-law be restricted to a 1 year effective time period to expire on 1999 October 1; and,
- (d) That following the enactment of this By-law, the Commissioner, Regional Environment Department (as delegate of the Minister of Municipal Affairs and Housing) be requested to grant approval to the By-law and endorse the same on the By-law.
22. That the total outstanding Community Heritage Loan for 107 George Street, in the amount of one thousand, one hundred and ninety-six dollars and eight cents (\$1,196.08), be placed on the tax rolls.

23. That the following Bills be adopted, signed, sealed and enrolled as By-laws:
- (a) C-108 A By-law to Amend Zoning By-law No. 6593 and to Repeal Zoning By-law No. 70-42 Respecting Land Located at Municipal No. 649 Upper James Street.
 - (b) C-109 A By-law to Consolidate the Property Standards By-law.
 - (c) C-110 A By-law to Remove Land Within the "Tiffany, Phase 2" Subdivision, Plan 62M-850 from Part Lot Control.

Respectfully submitted,

**ALDERMAN F. D'AMICO, CHAIRMAN
PLANNING AND DEVELOPMENT
COMMITTEE**

**Tina Agnello, Secretary
1998 September 23**



Legend

Modification in Zoning:



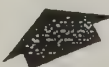
"D" (Urban Protected Residential - One and Two Family Dwellings, etc.) District modified

City of Hamilton

Location Map

Planning and Development Department

North

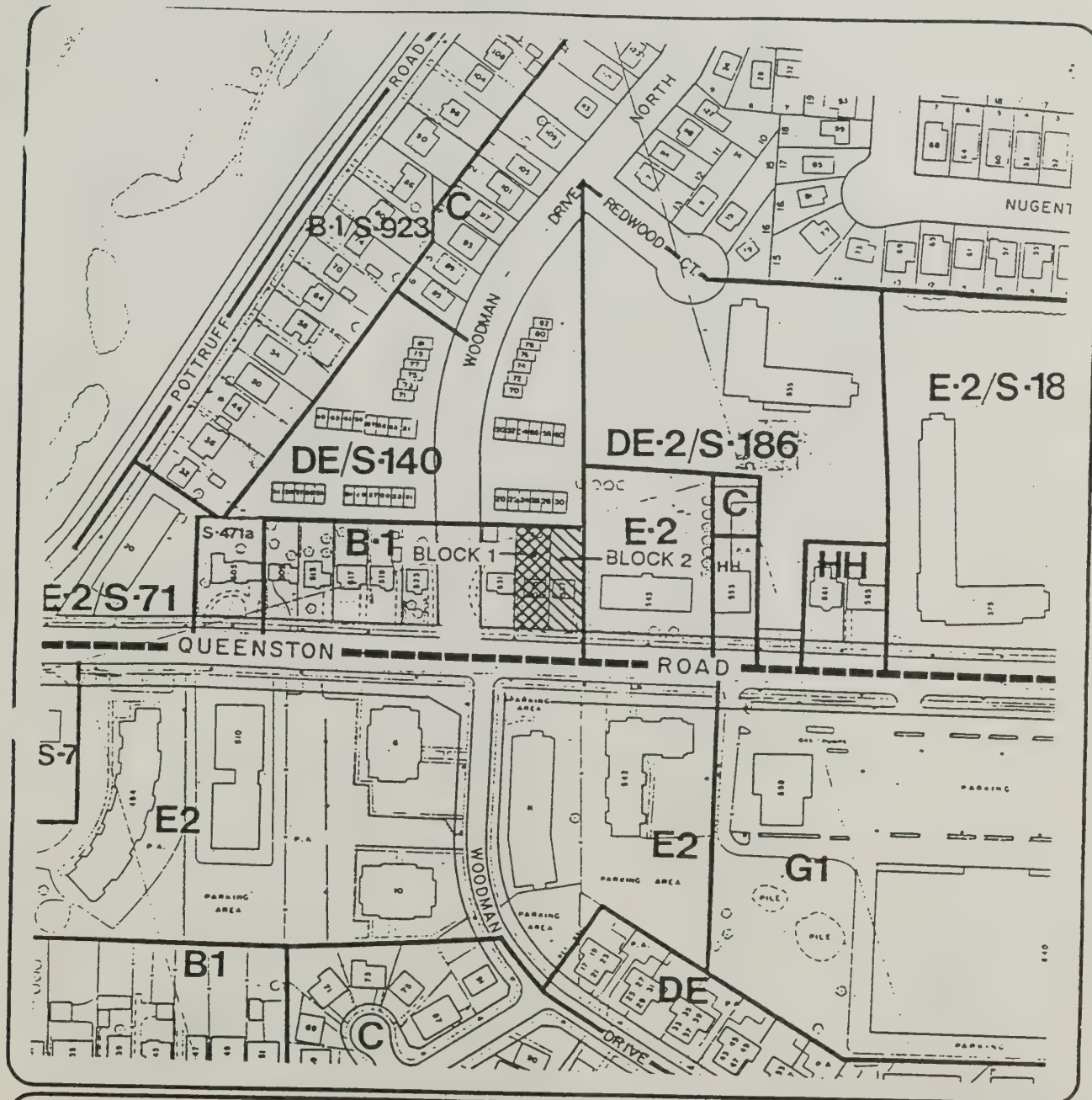


Scale
NOT TO SCALE

Date
May, 1998

Reference File No.
ZAC-98-18

Drawn By
R. L.



Legend

BLOCK 1



Modification to the "B-1" (Suburban Agricultural and Residential etc.) District

BLOCK 2



Modification to the "B-1" (Suburban Agricultural and Residential etc.) District

City of Hamilton

Location Map

Planning and Development Department

North



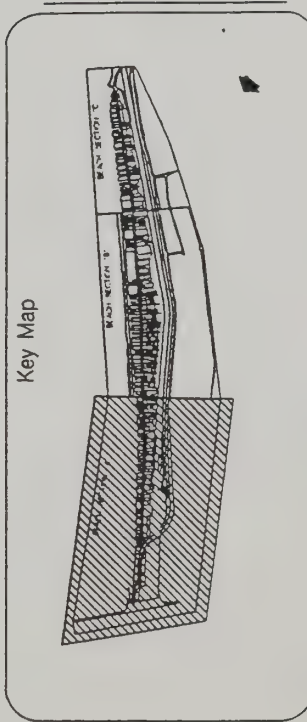
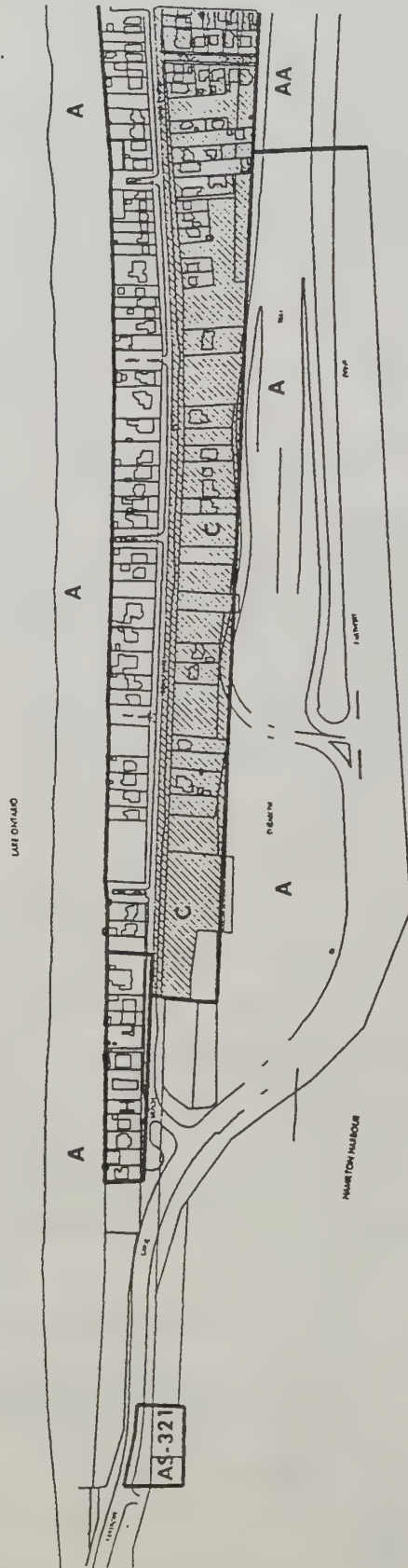
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Date
AUG 1998

Reference File number
ZAC 98-27

Drawn By
D.L.

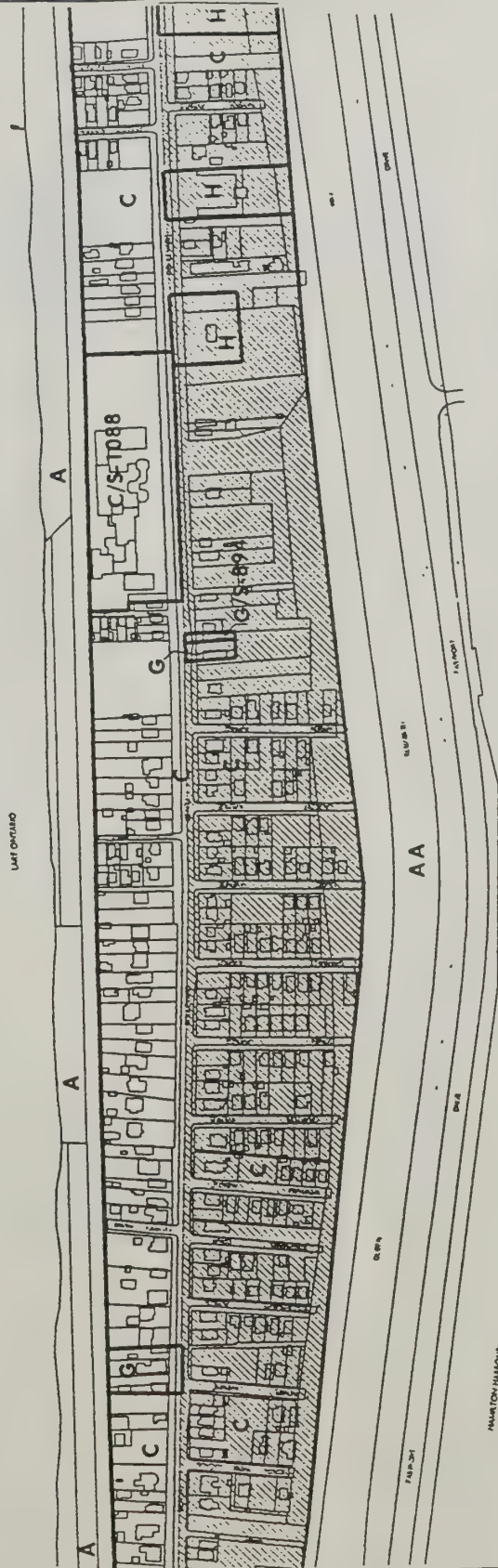
City of Hamilton
Key Map
Planning and Development Department



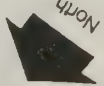
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	Lands subject to zoning by-law modification	
	Scale NOT TO SCALE	Reference File No. C198-D
		Date JULY 1998
		Drawn By J.SIMS

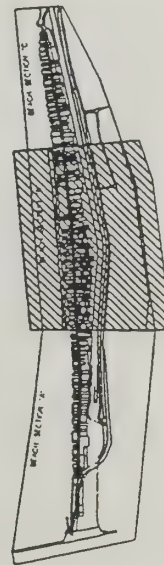
City of Hamilton
Key Map
Planning and Development Department



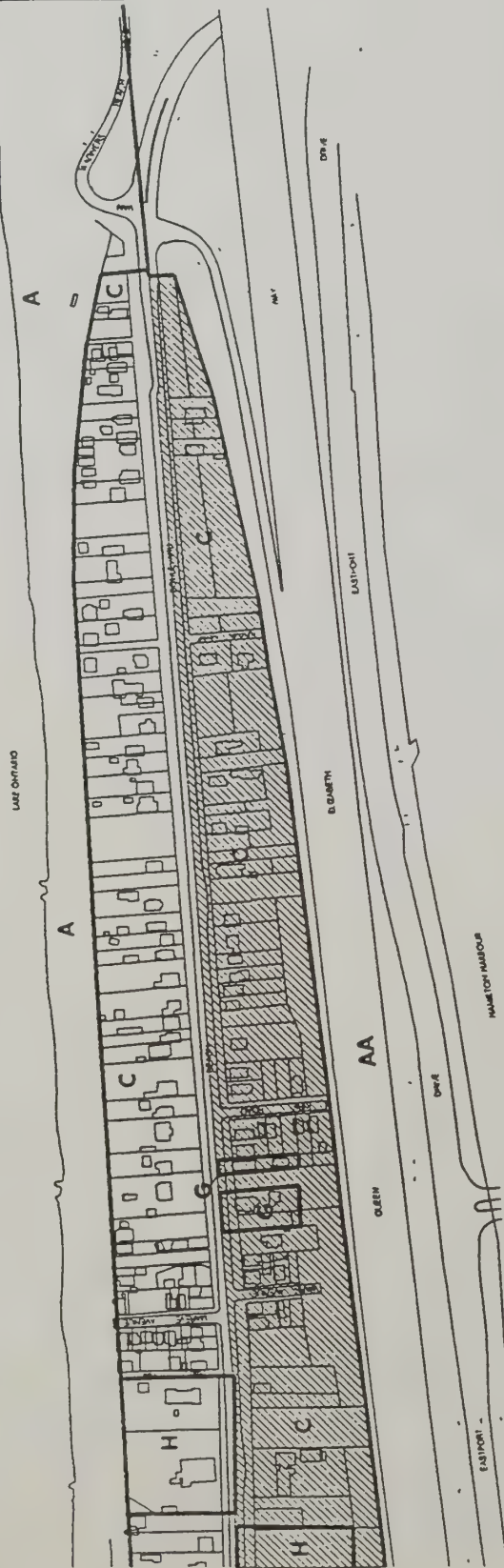
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	Lands subject to zoning by-law modification	
	Scale NOT TO SCALE	Reference File No. C198-D
	Date JULY 1998	Drawn By J.SIMS

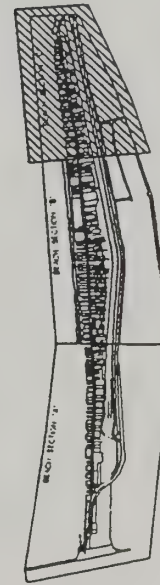
Key Map



City of Hamilton
Key Map
Planning and Development Department



Key Map

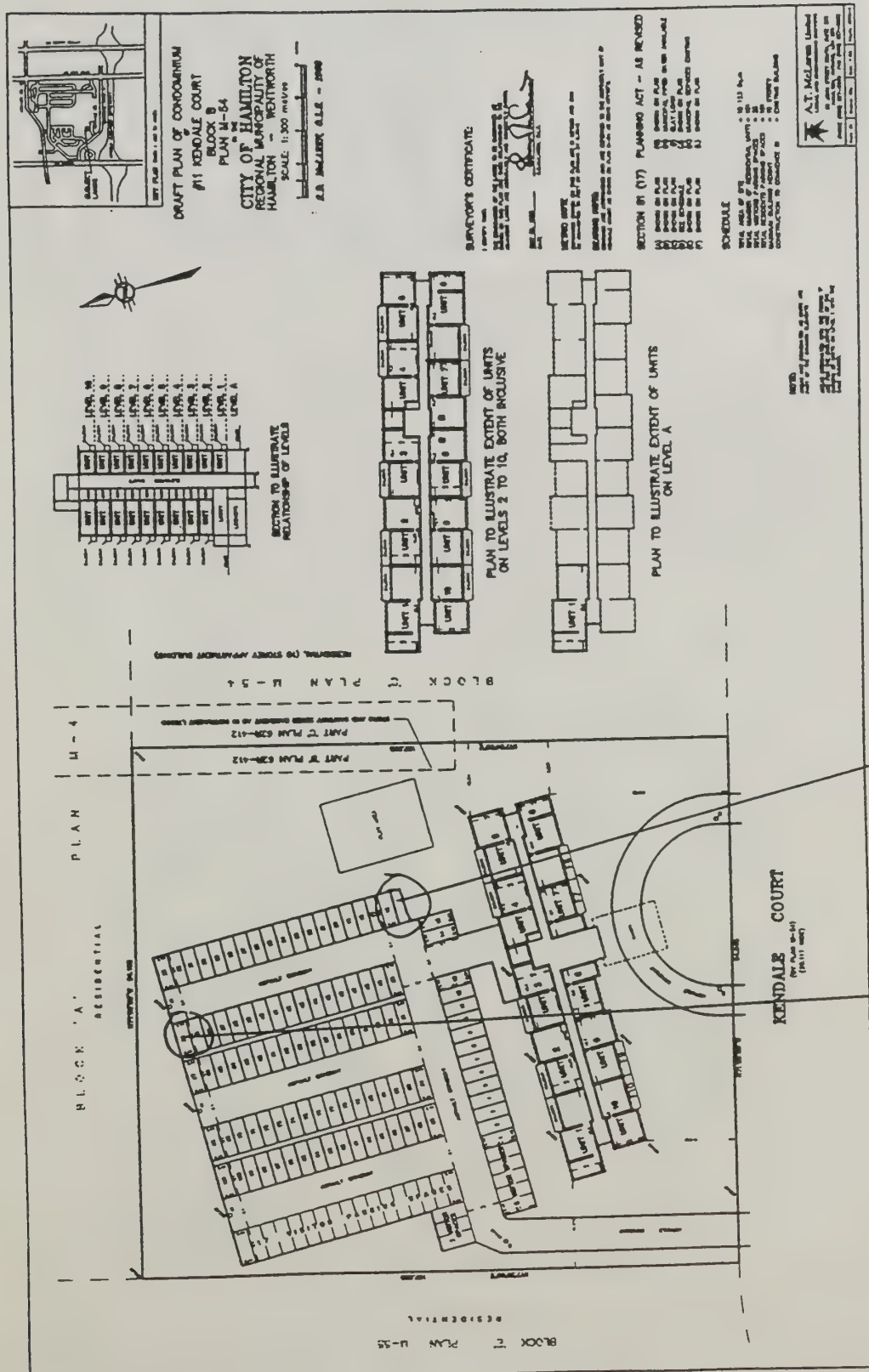


Legend

Lands subject to zoning by-law modification



	Scale	Reference File No.
	NOT TO SCALE	CI 98-D
Date	Drawn By	
JULY 1998	J. SIMS	



- Additional Parking Stall
- ISA

- Revision to parking stall dimensions.

25CDM-98006

Revision to
parking stall
dimensions



1126



City of Hamilton

Location Map

Planning and Development Department

Legend



Site of application

North



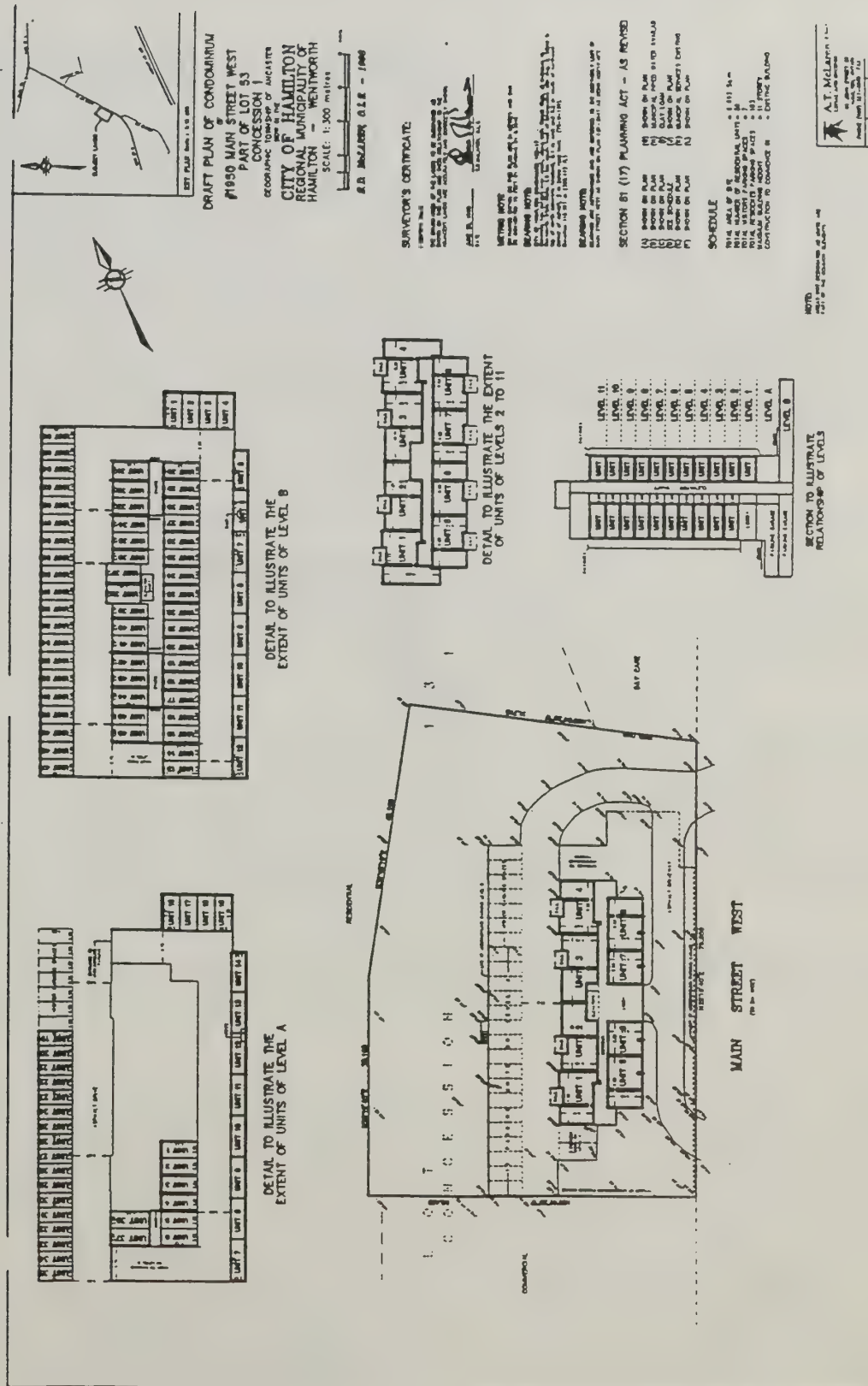
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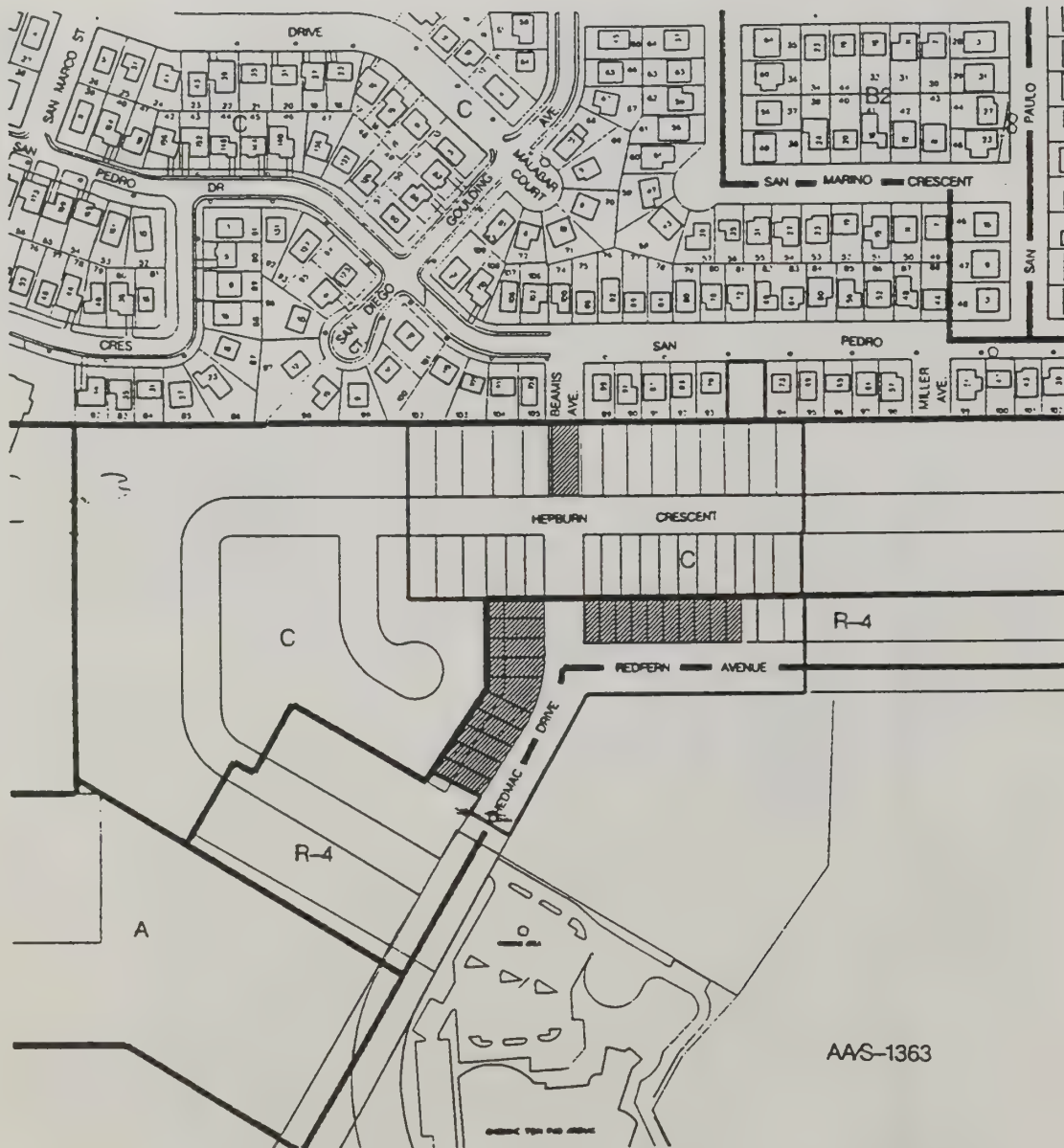
Date
April 1998

Reference File No.
CDM-98-04

Drawn By
FAB

25CDM-98011





Site of the Application

City of Hamilton Location Map "Appendix"

Planning and Development Department

North



Scale

NOT TO SCALE

Date

Sept. 1998

Reference File No.

PLC 98-06

Drawn By

J.Sims

REPORT OF THE PLANNING AND DEVELOPMENT COMMITTEE

To the Council of the Corporation of the City of Hamilton

Members of Council:

The Planning and Development Committee presents its **SIXTEENTH** Report for 1998 and respectfully recommends:

1. (a) That loans and grants to Gamesmanship Equipment Inc., for building rehabilitation and conversion to 50 residential units at 105-115 King Street East, 117 King Street East, 80 King William Street, 80A King William Street and 77 King William Street be authorized upon the City's Loan Programs provisions, subject to the conditions set out and referred to in this recommendation, including the following details:
 - (i) A maximum loan of \$800,000 under the Convert/Renovate-to-Residential Loan Program at an interest rate of 0% for a term of 10 years, together with interest on arrears (if any) at the same rate as arrears of realty taxes to be secured by second mortgage on the properties prepared and certified to the City by the applicant's lawyer in a form satisfactory to the City Solicitor and the General Manager of the Housing and Loans Division; and,
 - (ii) A maximum loan of \$150,000 under the Commercial Property Improvement Loan Program at an interest rate of 0% for a term of 10 years, together with interest on arrears (if any) at the same rate as arrears of realty taxes to be secured by a third mortgage on the properties prepared and certified to the City by the applicant's lawyer in a form satisfactory to the City Solicitor and the General Manager of the Housing and Loans Division; and,
 - (iii) A maximum grant of \$61,000 under the Core Heritage 2000 Program; and,
- (b) That the loans and grants amounting to \$1,011,000 be subject to the following conditions:
 - (i) That the applicant be required to fulfil all the borrowing requirements of the City of Hamilton with respect to the Commercial Property Improvement Loan Program, Core Heritage 2000 Program and the Convert/Renovate-to-Residential Loan Program, including, evidence satisfactory to the City of the owner's equity of not less than 25% of the appraised value after deducting from such appraised value, the owner's first, second, and third mortgages and other encumbrances, such as liens or realty tax arrears; the balance of the loans shall be re-payable to the City in the event the applicant ceases to own the property, (except to the extent the property is registered as a residential condominium); and,

- (ii) That upon the applicant meeting all loan conditions, advances of the City's loans to the applicant and its contractor be authorized provided the applicant has, prior to the advance of the City loans, fully applied its equity and first mortgage loan funds; and provided further that:
 - (1) All advances are subject to compliance with The Construction Lien Act and other usual requirements of lenders; and,
 - (2) At the time of each loan advance,

there remains at least 25% owner's equity (as described above) in the properties; and,

the applicant's architect (or consulting engineer) certifies to the City that the value of the work to be done under the construction contract(s) is sufficient to substantially complete construction for building rehabilitation and conversion to 50 units and the value of the said remaining work is less than the amount of the City's loans; and,

the said applicant is the registered owner of the property; and,
- (iii) That the City's Heritage grant referred to above be paid to the applicant following the advance of the City's loans provided the loan repayments and realty taxes are in good standing and the applicant is the registered owner of the property; and,
- (iv) That upon sale of each unit in the proposed residential Condominium by the applicant, a partial discharge of the City's second and third mortgages shall be available upon payment of each loan's principal with interest attributable to such unit, provided repayments of both loans and realty taxes are in good standing; and,
- (v) That Schedule A of By-law 97-149 is amended by Council in accordance with the Planning Act to replace the maximum eight (8) units per deed property with a maximum of \$500,000 per deeded property; and,
- (vi) That the approval of the Ministry of Municipal Affairs and Housing of an amended Downtown Community Improvement Plan permitting the said amendment, including such loans and grant is received; and,
- (vii) That the applicant has applied for a building permit within three months of 1998 September 29, and received such permit within six months of such application; and,
- (viii) Such other terms and conditions that Council may, in its discretion, require; and,

- (c) That staff take the necessary steps under the Planning Act for the City's application for amendments to the Downtown Community Improvement Plan and the By-law adopting such Plan, including the public meeting and notification obligations for the proposed amendment; and,
- (d) That the applicable amending By-law be prepared in a form satisfactory to the City Solicitor.

Recorded vote.

YEAS: Mayor R. M. Morrow, Aldermen M. Kiss, A. Horwath, R. Corsini, B. Morelli, D. Haining, D. Wilson, C. Collins, F. Eisenberger, T. Jackson, T. Anderson, B. Charters, B. Kelly, F. D'Amico, D. O'Sullivan. -15.

NAYS: Alderman G. Copps. -1.

CARRIED.

- 2. That application CDM-CONV-98-007 (Regional File 25CDM-98009) submitted by Barton Ellis Holdings Limited (In Trust), owner, for a draft plan of condominium for property located at No. 293 Mohawk Road East, as shown on the attached Plan marked as Appendix "A", to provide for a condominium comprised of 24 individual apartment condominium units not be approved.

NOTE: This issue lost on a tie vote at the Planning and Development Committee. At the direction of the Committee and in accordance with City Procedural By-law No. 95-167 Section 36(b), it is presented as a negative recommendation.

REFERRED BACK TO THE PLANNING AND DEVELOPMENT COMMITTEE

- 3. That application CDM-CONV-98-009 (Regional File 25CDM-98012) submitted by Gaspar & Silva Ltd., owner, for a draft plan of condominium for property located at No. 37-57 Mericourt Road, as shown on the attached Plan marked as Appendix "B", to provide for a condominium comprised of 66 individual apartment condominium units not be approved.

NOTE: This issue lost on a tie vote at the Planning and Development Committee. At the direction of the Committee and in accordance with City Procedural By-law No. 95-167 Section 36(b), it is presented as a negative recommendation.

REFERRED BACK TO THE PLANNING AND DEVELOPMENT COMMITTEE

- 4. That application CDM-CONV-98-010 (Regional File 25CDM-98013) submitted by Lapa Investments Ltd., owner, for a draft plan of condominium for property located at No. 893 Concession Street, as shown on the attached Plan marked as Appendix "C", to provide for a condominium comprised of 22 individual apartment condominium units not be approved.

NOTE: This issue lost on a tie vote at the Planning and Development Committee. At the direction of the Committee and in accordance with City Procedural By-law No. 95-167 Section 36(b), it is presented as a negative recommendation.

REFERRED BACK TO THE PLANNING AND DEVELOPMENT COMMITTEE

5. That Council accept the 1998 September 18 offer to settle as modified 1998 September 29 concerning two appeals against Official Plan Amendment No. 151 regarding Rental Housing.

Recorded vote.

YEAS: Mayor R. M. Morrow, Aldermen M. Kiss, A. Horwath, R. Corsini, B. Morelli, D. Haining, D. Wilson, C. Collins, F. Eisenberger, T. Jackson, T. Anderson, B. Charters, B. Kelly, F. D'Amico, D. O'Sullivan. -15.

NAYS: Alderman G. Copps. -1.

CARRIED.

6. That no action be taken to acquire the property at 66 to 68 King Street East. **ADDED**

Recorded vote.

YEAS: Aldermen M. Kiss, B. Morelli, D. Haining, D. Wilson, C. Collins, F. Eisenberger, T. Jackson, T. Anderson, B. Charters, B. Kelly, D. O'Sullivan. -11.

NAYS: Mayor R. M. Morrow, Aldermen A. Horwath, R. Corsini, G. Copps, F. D'Amico
-5 .

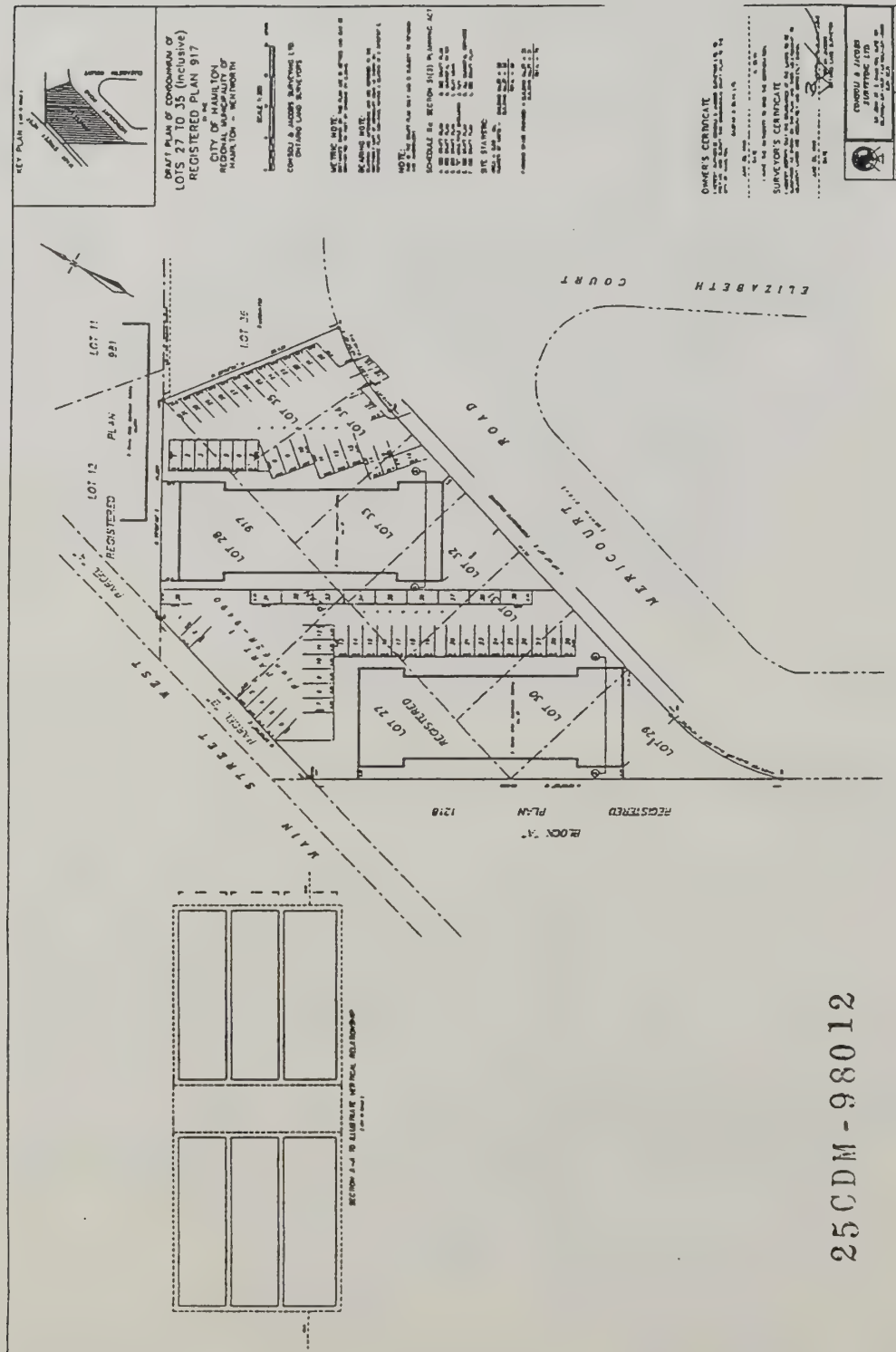
CARRIED..

Respectfully submitted,

**ALDERMAN F. D'AMICO, CHAIRMAN
PLANNING AND DEVELOPMENT
COMMITTEE**

**Tina Agnello, Secretary
1998 September 29**

1134





REPORT OF THE FINANCE AND ADMINISTRATION COMMITTEE

To the Council of the Corporation of the City of Hamilton

Members of Council:

The Finance and Administration Committee presents its **EIGHTEENTH** Report for 1998 and respectfully recommends:

1. That as referred to in Section 61 of the Recommendations Report approved by City Council on 1998 September 8, the gross cost of the Joint Emergency Preparedness 1999 Program in the amount of \$71,822 be funded from the Reserve for Contingency Centre CH0115 conditional on the approval of JEPP grant funds and that these anticipated grant funds of \$32,320 be credited to the Reserve noted above.
2. That as referred to in Section 6 of the Ninth Report for 1998 of the Parks and Recreation Committee, the additional required funds of \$109,974 to perform the emergency repairs on the chimney of the Hamilton Museum of Steam and Technology be financed from Risk Management-Various Facilities, CF 709855041 (Available Funds \$110,000).
3.
 - (a) That staff be directed to issue a "Notice of Cancellation" to Grand and Toy for failure to comply to service requirements of the Supply and Delivery of Office Supplies contract; and,
 - (b) That if, within 30 days of that notice, all service is not rectified in compliance with the terms of that contract, that staff be directed to cancel the service with Grand and Toy in accordance with contract terms and appoint "Basics Office Products" as the City's service provider.
4.
 - (a) That City Council approval be given for the acceptance of the painting "Maria S.S. Del Monte", 1994, by Mr. Vincent Gagliardo, from the collection of the artist; and,
 - (b) That the painting be displayed in a publicly-accessible location in City Hall in accordance with approved policy; and,
 - (c) That the Treasurer issue a receipt for income tax purposes to the artist/donor in the amount of \$1,000 in accordance with the City's Donations Policy.

5. That the submission by Econometrics Research Limited (ERL) and Social Planning and Research Council of Hamilton-Wentworth (SPRC) be selected as the consultants to undertake the Social and Economic Impact Study for Charity Casinos (Charity Gaming Clubs) at a cost of \$20,000 plus GST, to be financed from the 1998 Current Budget, Account Centre No. CH24101 55046.
6. That after reviewing the evidence of the complainants, Gilbert and Elisabeth DeGreggario, the Council of the City of Hamilton not waive the 5% Land Dedication Fees imposed on the property located at 181 John Street North in the amount of \$1,650.

NOTE: This issue lost on a tie vote at the Finance and Administration Committee. At the direction of the Committee and in accordance with City Procedural By-law No. 95-167 Section 36(b), it is presented as a negative recommendation.

Recorded vote.

YEAS: Aldermen M. Kiss, B. Morelli, D. Haining, G. Copps, D. Wilson, F. Eisenberger, B Charters, T. Jackson, T. Anderson, B. Kelly, F. D'Amico, D. O'Sullivan .-12.

NAYS: Mayor R. M. Morrow, Aldermen A. Horwath, R. Corsini, C. Collins. -4.

CARRIED.

7. That the City decline the proposal by the Solicitors representing the Separate and Public School Boards to arbitrate their claim for monthly levy payment schedule; and encourage the School Boards to dialogue with the Province on their budgetary needs.
8. (a) That approval be granted to take a full page ad, at a cost of \$800, to congratulate the Optimist Club on their 75th Anniversary; and,
(b) That funding for this expenditure be charged to the Unclassified Account No. CH24201.
9. That the City file a request under the Access to Information Act with the Federal Government to obtain the report to Transport Canada entitled "Assessment of Canada Port Authority Self-Sufficiency" prepared by Nesbitt Burns and dated 1998 July 16th respecting Hamilton Harbour.
10. (a) That the City Manager be authorized and directed to take the necessary steps to post and advertise the position of Fire Chief consistent with the Selection Procedure adopted by City Council on 1982 January 26th; and,

- (b) That a Selection Committee comprised of the Chairman of the Finance and Administration Committee, Vice-Chairman of the Finance and Administration Committee, Alderman A. Horwath and Alderman C. Collins be formed to consider the applications for interviewing and recommend a Candidate to City Council.

11. That the following Bill be adopted, signed, sealed and enrolled as a By-law:

D-50 A By-law to Confirm the Proceedings of the Council of The Corporation of the City of Hamilton.

12. (a) That a purchase order be issued to Jordair Compressors Inc., Richmond, B.C., in the amount of \$169,489.30 including all applicable taxes, for the supply and delivery of two (2) Breathing Air Compressors complete with cascade systems (air storage) and fill stations, in accordance with Canadian Standard Association standard CAN3-Z180.1-M85 breathing air quality standard; and,
- (b) That the net cost to purchase two (2) Breathing Air Compressors complete with cascade system (air storage) and fill stations at a cost not to exceed \$162,490, be financed by a transfer of funds from the Reserve for Major Repairs to Mobile Equipment, Account Centre No. CH 00103. **ADDED.**
13. That notwithstanding the previous direction of the Finance and Administration Committee, payment be made to two current members of the Status of Women Committee for out of pocket expenses incurred by them as a result of their attendance at the Conference of the National Action Committee in June, 1998. **ADDED.**

Respectfully submitted,

**ALDERMAN D. WILSON, CHAIRMAN
FINANCE AND ADMINISTRATION COMMITTEE**

**Susan K. Reeder
Secretary
1998 September 22**

CAY ON HBL AOS
M21
1998

Minutes of Committee of the Whole\City Council
1998 October 6
4:00 o'clock p.m.
Room 233, City Hall

The Council met:

Present: Mayor R. M. Morrow, Chairman.
Aldermen M. Kiss, M. Caplan, A. Horwath, R. Corsini, B. Morelli,
D. Haining, D. Wilson, G. Copps, C. Collins, T. Jackson,
B. Charters, B. Kelly, F. D'Amico.

Absent: Aldermen F. Eisenberger - Civic Business
Alderman T. Anderson - Regional Business
Alderman D. O'Sullivan - Vacation

URBAN MUNICIPAL

OCT 14 1998

Mayor R. M. Morrow called the meeting to order.

GOVERNMENT DOCUMENTS

* * * * *

Rule No. 3 Notice for a calling a meeting be waived.

It was moved by Alderman Copps and seconded by Alderman Charters that Rule No. 3 (d) of the City Procedural By-law respecting the notice required for calling a meeting of the Committee of the Whole\City Council be waived. **CARRIED.**

* * * * *

It was moved by Alderman Kiss and seconded by Alderman Caplan that the Report of the Committee of the Whole respecting the Amalgamated Administrative Structure for the City/Region be now considered in Committee of the Whole. The Council then went into Committee of the Whole, with Mayor Morrow in the Chair.

Recorded vote.

YEAS: Mayor R. M. Morrow, Aldermen M. Kiss, M. Caplan, A. Horwath,
R. Corsini, B. Morelli, D. Wilson, G. Copps, C. Collins, T. Jackson,
B. Charters, B. Kelly, F. D'Amico. -13.

NAYS: -0.

CARRIED.

* * * * *

COMMITTEE OF THE WHOLE - TWENTY-THIRD REPORT

**Amalgamated Administrative Structure - City\Region
Transportation and Operations Division**

* * * * *

It was moved by Alderman Kiss and seconded by Alderman Caplan that the Report of the Committee of the Whole respecting the Amalgamated Administrative Structure for the City/Region, be adopted.

Recorded vote.

YEAS: Mayor R. M. Morrow, Aldermen M. Kiss, M. Caplan, A. Horwath,
R. Corsini, B. Morelli, D. Wilson, G. Copps, C. Collins, T. Jackson,
B. Charters, B. Kelly, F. D'Amico. -13

NAYS: -0.

CARRIED.

* * * * *

City Council then adjourned at 5:20 o'clock p.m.

* * * * *

Taken as read and approved.

**MAYOR R. M. MORROW
CHAIRMAN**

J. J. Schatz, City Clerk
1998 October 6

REPORT OF THE COMMITTEE OF THE WHOLE

To the Council of the Corporation of the City of Hamilton.

Members of Council

The Committee of the Whole presents its **TWENTY-THIRD** Report for 1998 and respectfully recommends:

1. (a) That the Transportation and Operations Division for the combined administration include an "Operations Division" which includes Streets, Sanitation, Forestry, Fleet, Parts of Traffic, Parks and Cemeteries; and,
 - (b) That the Manager of the "Operations Division" report to the General Manager of Transportation and Operations on all administrative matters, including meeting corporate goals and budget targets as set and approved by Hamilton City Council; and,
 - (c) That the Manager of the "Operations Division" report directly to Hamilton City Council on matters involving service standards and budget priorities; and,
 - (d) That the appointment of the Manager of the "Operations Division" be subject to the approval of Hamilton City Council; and,
 - (e) That the resolutions of Hamilton City Council respecting the Transportation and Operations Division as approved at its meetings held 1998 September 16 and 28 (item 4 of the 20th report of the Committee of the Whole and item 1 of the 22nd Report of the Committee of the Whole respectively), be rescinded; and,
 - (f) That a copy of this resolution be forwarded to Regional Council.

2. That the following Bill be adopted, signed, sealed and enrolled as a By-law:

E-20: A By-law to Confirm the Proceedings of the Council of the Corporation of the City of Hamilton.

RESPECTFULLY SUBMITTED

MAYOR R. M. MORROW, CHAIRMAN

J. J. Schatz, City Clerk
JJS/dg

**URBAN
MUNICIPAL**

Minutes of Hamilton City Council
Tuesday, October 13, 1998
7:30 o'clock p.m.
Albion A, B & C
Hamilton Convention Centre

URBAN MUNICIPAL

OCT 26 1998

GOVERNMENT DOCUMENTS

The Council met:

There were present: Mayor R. M. Morrow, Chairman; Aldermen M. Kiss, M. Caplan, A. Horwath, R. Corsini, B. Morelli, D. Haining, D. Wilson, G. Copps, C. Collins, F. Eisenberger, T. Jackson, B. Charters, T. Anderson, B. Kelly, F. D'Amico, D. O'Sullivan

Mayor R. M. Morrow called the meeting to order.

The National Anthem was played.

Reverend Kelvin Honsinger, Mission Services, led Council in prayer.

Mayor R. M. Morrow welcomed Paul Godfrey, President & CEO, Sun Media Corporation.

ADOPTION OF MINUTES

The following minutes were adopted as circulated:

- (a) 1998 September 25 (special meeting)
- (b) 1998 September 28 (special meeting)
- (c) 1998 September 29 (regular meeting)
- (d) 1998 October 6 (special meeting)

CORRESPONDENCE

1. Letter dated 1998 October 9 from Robert C. Prowse, Regional Clerk respecting the Transport and Operations division.

Received.

2. Application dated 1998 September 28 from Aurelio Marrone and Laurie Marrone, 1465 Upper Sherman Avenue, Hamilton, Ontario, for a change in zoning from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District for lands located east of Upper Sherman Avenue, west of Eaglewood Drive, north of Dalia Avenue, at the rear of 1465 Upper Sherman Avenue.

Received.

3. Subdivision application dated 1998 October 1 from A. DiSilvestro, 161 Rebecca Street, Hamilton, Ontario, regarding 1620 Upper Wentworth Street "Wentwall Estates".

Received.

* * * * *

It was moved by Alderman Kiss and seconded by Alderman Caplan that the Reports of the Transport and Environment Committee, the Parks and Recreation Committee, the Planning and Development Committee, and the Finance and Administration Committee, be now considered in Committee of the Whole with Alderman O'Sullivan in the chair.

Recorded vote.

YEAS: Mayor R. M. Morrow, Aldermen M. Kiss, M. Caplan, A. Horwath, R. Corsini, B. Morelli, D. Haining, D. Wilson, G. Copps, C. Collins, F. Eisenberger, T. Jackson, T. Anderson, B. Charters, B. Kelly, F. D'Amico, D. O'Sullivan. -17.

NAYS: -0.

CARRIED.

* * * * *

TRANSPORT AND ENVIRONMENT COMMITTEE – ELEVENTH REPORT

TRANSPORT AND ENVIRONMENT COMMITTEE – TWELFTH REPORT

Section 1(a) Re: "Smart Moves - Downtown Demonstration Project Implementation"

Recorded vote.

YEAS: Aldermen M. Kiss, B. Morelli, D. Haining, G. Copps, T. Anderson, B. Kelly, D. O'Sullivan. – 07.

NAYS: Mayor R. Morrow, Aldermen M. Caplan, A. Horwath, R. Corsini, D. Wilson, C. Collins, F. Eisenberger, T. Jackson, B. Charters, F. D'Amico. –10. **LOST.**

* * * *

Section 1(d) Re: "Smart Moves – Downtown Demonstration Project Implementation"

It was moved by Alderman Horwath and seconded by Alderman Corsini that the following be added as Item 1(d) of the Twelfth Report of the Transport and Environment Committee for 1998:

1. (d) (i) That King Street West, from James Street North to Bay Street North be reduced from five travelled lanes to three, with increased on-street parking and lay-bys; and,
- (ii) That the cost of the King Street Smart Moves Demonstration Project, be financed from Regional Account #3011896, Downtown Streetscaping.

CARRIED.

* * * * *

It was moved by Alderman Corsini and seconded by Alderman Jackson that Section 1(d) of the Twelfth Report of the Transport and Environment Committee for 1998 as added, be tabled for two weeks in order that staff report back on the costs associated with the implementation of these changes.

Recorded vote to table Section 1(d).

YEAS: Aldermen M. Kiss, R. Corsini, B. Morelli, D. Haining, D. Wilson, G. Copps, T. Jackson, B. Charters, T. Anderson, B. Kelly, F. D'Amico. –11

NAYS: Mayor R. Morrow, Aldermen M. Caplan, A. Horwath, C. Collins, F. Eisenberger, D. O'Sullivan. –06. **CARRIED.**

PARKS AND RECREATION COMMITTEE – TENTH REPORT

Section 1 Re: Alcohol at Mohawk Sports Park

Recorded vote.

YEAS: Mayor R. M. Morrow, Aldermen M. Kiss, M. Caplan, A. Horwath, R. Corsini, B. Morelli, D. Haining, D. Wilson, G. Copps, C. Collins, F. Eisenberger, T. Anderson, B. Charters, B. Kelly, F. D'Amico, D. O'Sullivan. –16.

NAYS: Alderman T. Jackson -1.

CARRIED.

* * * * *

Section 5(b) Re: Leash Free Pilot Project

Recorded vote.

YEAS: Mayor R. Morrow, Aldermen M. Kiss, M. Caplan, A. Horwath, R. Corsini, B. Morelli, D. Wilson, C. Collins, F. Eisenberger, T. Jackson, B. Charters, T. Anderson, B. Kelly, F. D'Amico, D. O'Sullivan. – 15.

NAYS: Aldermen D. Haining, G. Copps. –02.

CARRIED.

* * * * *

Section 7 Re: Option to Purchase, Chedoke Health Corporation

It was moved by Alderman Morelli and seconded by Alderman Haining that Section 7(a) of the Tenth Report of the Parks and Recreation Committee for 1998 be amended by deleting the phrase “(R.L.Cordingley, President) in the first and second line and replacing it with the phrase “(Murray Halpren, Vice-President and Colin G. Lazier, Director)” in lieu thereof. **CARRIED.**

* * * * *

Section 9 Re: Construction of a Crematorium

Recorded vote.

YEAS: Mayor R. Morrow, Aldermen M. Kiss, M. Caplan, A. Horwath, R. Corsini, B. Morelli, D. Haining, D. Wilson, C. Collins, F. Eisenberger, T. Jackson, B. Charters, T. Anderson, B. Kelly, F. D'Amico, D. O'Sullivan. –16.

NAYS: Alderman G. Copps. –01.

CARRIED.

* * * * *

Section 12 Re: Landing of Helicopter in Ivor Wynne Stadium

It was moved by Alderman Morelli and seconded by Alderman Kiss that Rule No. 9 of the City's Procedural By-law No. 95-167 be invoked for this meeting of City Council in order to allow the introduction of a resolution respecting the landing of a helicopter in Ivor Wynne Stadium during the Hamilton Tiger Cat Football Pre-Game show, 1998 November 1. **CARRIED.**

* * * * *

Section 12 Re: Landing of Helicopter in Ivor Wynne Stadium

It was moved by Alderman Morelli and seconded by Alderman Kiss that the following resolution be added as Section 12 of the Tenth Report of the Parks and Recreation Committee for 1998:

12. (a) That approval as required by Section 23 of Parks By-law No. 95-126 as amended, be given to Her Majesty in Right of Canada as represented by the Ministry of National Defence and the Argyll and Sutherland Highlanders of Canada and the Air Reserve Helicopter Squadron to land a helicopter in Ivor Wynne Stadium during the Hamilton Tiger Cat Football Pre-Game show, 1998 November 1, as part of their Reserve Appreciation Day subject to the Terms and Conditions of the Special Event Guidelines; and,
- (b) That consistent with the requirements of the Special Events Guidelines, the City of Hamilton receive indemnification from Her Majesty in Right of Canada for the landing of a helicopter in Ivor Wynne Stadium. **CARRIED.**

PLANNING AND DEVELOPMENT COMMITTEE – SEVENTEENTH REPORT

Section 2(b) Re: Design Study of the Downtown Secondary Plan

It was moved by Alderman Anderson and seconded by Alderman Kelly that Section 2(b) of the Seventeenth Report of the Planning and Development Committee for 1998 be tabled for two weeks. **CARRIED.**

* * * * *

Section 10 Re: Extension to Remove Part-Lot Control

It was moved by Alderman D'Amico and seconded by Alderman Copps that Section 10 of the Seventeenth Report of the Planning and Development Committee for 1998 be added as follows:

10. (a) That approval be given to the request by John Parente, Solicitor for 822827 Ontario Inc. (A. DiSilvestro, President), owner, for a 1 year extension to remove part-lot control in order to establish maintenance easements for Lots 2 - 4, inclusive, Lots 7 - 11, inclusive, Lots 13 - 16, inclusive and Lots 27 - 30, inclusive, located in "Wisemount Estates, Phase 8", Registered Plan No. 62M-826, known municipally as 171 - 203 Lockheed Drive, inclusive, and 2 - 19 Mansion Court, inclusive, as shown on Appendix "C"; and,
- (b) That the appropriate By-law, to extend the removal of part-lot control until January 1, 2000, from Lots 2 - 4, inclusive, Lots 7 - 11, inclusive, Lots 13 - 16, inclusive and Lots 27 - 30, inclusive, Registered Plan 62M-826, "Wisemount Estates, Phase 8" plan of subdivision, be enacted by Council. **CARRIED.**

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Section 11 Re: Zoning By-laws

It was moved by Alderman D'Amico and seconded by Alderman Copps that Section 11 of the Seventeenth Report of the Planning and Development Committee for 1998 be added as follows:

11. (a) A By-law to Extend By-law No. 98-19 Respecting Land Within the "Wisemount Estates – Phase 8" Subdivision, Plan 62M-826 from Part Lot Control.
- (b) A By-law to Adopt Official Plan Amendment No. 150 Respecting Lands Located at 852 Upper Wentworth Street Within the Bruleville Neighbourhood.
- (c) A By-law to Amend Zoning By-law No. 6593 as Amended by Zoning By-laws No. 95-111 and 97-153 Respecting Lands Located at Municipal No. 852 Upper Wentworth Street. **CARRIED.**

FINANCE AND ADMINISTRATION COMMITTEE – NINETEENTH REPORT

Section 10 Re: Grant to All Star Jazz Band

It was moved by Mayor Morrow and seconded by Alderman Corsini that the following be added as Section 10 of the Nineteenth Report of the Finance and Administration Committee for 1998:

10. That a Capital Grant in the amount of \$5,000 be awarded to the "All Star Jazz Band" and be funded from the Reserve for Capital Projects Account.

Recorded vote.

YEAS: Mayor R. Morrow, Aldermen M. Kiss, M. Caplan, A. Horwath, R. Corsini, D. Haining, D. Wilson, C. Collins, F. Eisenberger, T. Jackson, B. Charters, B. Kelly, F. D'Amico, D. O'Sullivan. -14.

NAYS: Alderman G. Copps. -01.

CARRIED.

MOTION TABLED FROM PREVIOUS MEETING

Re: Downtown Convert/Renovate-to-Residential Loan Program

It was moved by Alderman D'Amico and seconded by Alderman Caplan that Section 7 of the Fifteenth Report of the Planning and Development Committee for 1998 tabled for two weeks by Council at its meeting of 1998 September 29, be tabled for a further two weeks. **CARRIED.**

It was moved by Alderman Kiss and seconded by Alderman Caplan that the Report of the Committee of the Whole on the Reports of the Transport and Environment Committee, the Parks and Recreation Committee, the Planning and Development Committee, and the Finance and Administration Committee, be adopted.

Recorded vote.

YEAS: Mayor R. M. Morrow, Aldermen M. Kiss, M. Caplan, A. Horwath, R. Corsini, D. Haining, D. Wilson, G. Copps, C. Collins, F. Eisenberger, T. Jackson, B. Charters, B. Kelly, F. D'Amico, D. O'Sullivan. -15.

NAYS: -0.

CARRIED.

City Council then adjourned at 9:55 o'clock p.m.

Taken as read and approved.

**MAYOR R. M. MORROW
CHAIRMAN**

**J. J. Schatz, City Clerk
1998 October 13
/bc**

REPORT OF THE TRANSPORT AND ENVIRONMENT COMMITTEE

To the Council of the Corporation of the City of Hamilton

Members of Council:

The Transport and Environment Committee presents its **ELEVENTH** Report for 1998 and respectfully recommends:

1. That the appropriate By-law, prepared to the satisfaction of the City Solicitor, to sell a walkway, being Block 8, Plan 62M-709 as closed by Judge's Order LT514469 designated as Parts 1 & 2 on Plan 62R-14304 be enacted by Council.
2. That the application of the City Clerk's Department to stop-up and close the unopened portion of Mountain Brow Drive designated as Parts 1 & 2 on Plan 62R-5340 and to sell those parts save and except the northerly 6.10m and the easterly 0.034m, adjacent to the west limit of Scenic Drive, be approved, subject to the following conditions:
 - (a) That the Commissioner of Transportation be directed to prepare a By-law to stop up and close Parts 1 & 2 on Plan 62R-5340; and,
 - (b) That the Commissioner of Transportation be directed to prepare a By-law to sell Parts 1 & 2 on Plan 62R-5340 save and except the northerly 6.10m and the easterly 0.034m to the abutting owner; and,
 - (c) That the Commissioner of Transportation be authorized to make application to the Regional Municipality of Hamilton-Wentworth for approval of the proposed closing, pursuant to Section 44 of the Regional Municipality Act R.S.O. 1990; and,
 - (d) That the Regional Surveyor prepare and register a reference plan under the Registry Act and that it delineate the manner in which the proposed closed portion is to be distributed to the abutting owner; and,
 - (e) That the City Clerk be authorized and directed to proceed with the disposition of the subject lands to the abutting owner; and,
 - (f) That the City Clerk be directed to publish a notice pursuant to Section 301 of the Municipal Act, R.S.O. 1990, of the City's intention to pass the By-law.

3.
 - (a) That a "Permit Parking" regulation be implemented on the east side of Catharine Street North commencing at a point 106 feet south of Murray Street East and extending to a point 22 feet southerly therefrom, and on the west side of Catharine Street North commencing at a point 63 feet south of Murray Street East and extending to a point 18 feet southerly therefrom, and that the City Traffic No. 89-72 be amended accordingly; and,
 - (b) That the Commissioner of Public Works and Traffic be authorized to issue one parking permit to Mr. Walter Chapple, No. 306 Catharine Street North.
4. That the existing "Permit Parking" regulation on the west side of Stirton Street commencing at a point 36 feet north of Cannon Street East and extending to a point 18 feet northerly therefrom be removed, and that the City Traffic By-law No. 89-72 be amended accordingly.
5.
 - (a) That a "Permit Parking" regulation be implemented on the west side of Tisdale Street North commencing at a point 111 feet south of Wilson Street and extending to a point 18 feet southerly therefrom, and that the City Traffic By-law No. 89-72 be amended accordingly; and,
 - (b) That the Commissioner of Public Works and Traffic be authorized to issue one parking permit to Mr. Frank Stinson, No. 65 Tisdale Street North.
6.
 - (a) That the existing full-time "No Parking" regulation on the west side of Caroline Street North between King Street West and Napier Street be removed; and,
 - (b) That Caroline Street North between King Street West and York Boulevard be removed from the "through street" system such that overnight parking will be allowed; and,
 - (c) That the City Traffic By-law No. 89-72 be amended accordingly.
7. That southbound traffic on Chedoke Avenue be required to stop for eastbound and westbound traffic on Hillcrest Avenue, and that the City Traffic By-law No. 89-72 be amended accordingly.
8. That eastbound traffic on Lupin Avenue and westbound traffic on Thelma Avenue be required to stop for northbound and southbound traffic on East 45th Street, and that the City Traffic By-law No. 89-72 be amended accordingly.

9. That westbound traffic on Morgan Road be required to stop for northbound and southbound traffic on Clifton Downs Road and that the City Traffic By-law No. 89-72 be amended accordingly.
10.
 - (a) That a School Crossing Guard be assigned to the intersection of Mohawk Road East and Upper Ottawa Street during the morning and evening school crossing periods only, on a permanent basis; and,
 - (b) That consideration be given in the 1999 Current Budget deliberations for an expansion package of \$4,000 plus administrative costs for a School Crossing Guard at this location on a permanent basis.
11.
 - (a) That a "No Stopping" corner clearance be implemented on the north side of Bonaparte Way commencing at a point 58 feet east of the east curbline of Corsica Court and extending to a point 61 feet west of the west curbline of Corsica Court; and,
 - (b) That a "No Stopping" corner clearance be implemented on the east side of Corsica Court commencing at Bonaparte Way and extending to a point 50 feet northerly therefrom; and,
 - (c) That a "No Stopping" corner clearance be implemented on the west side of Corsica Court commencing at Bonaparte Way and extending to a point 50 feet northerly therefrom; and,
 - (d) That a "No Stopping" corner clearance be implemented on the north side of Bonaparte Way commencing at a point 50 feet east of the east curbline of Fusilier Drive and extending to a point 62 feet west of the west curbline of Fusilier Drive; and,
 - (e) That a "No Stopping" corner clearance be implemented on the east side of Fusilier Drive commencing at Bonaparte Way and extending to a point 50 feet northerly therefrom; and,
 - (f) That a "No Stopping" corner clearance be implemented on the west side of Fusilier Drive commencing at Bonaparte Way and extending to a point 50 feet northerly therefrom; and,
 - (g) That the City Traffic By-law No. 89-72 be amended accordingly.
12.
 - (a) That the existing Commercial Boulevard Parking Agreement registered as Instrument No. 1070, to the property at No. 71 Rebecca Street, be discharged at the property owner's expense; and,

- (b) That the existing Commercial Boulevard Parking Agreement registered as Instrument No. 196780 C.D., to the property at No. 60 Catharine Street North, be discharged at the property owner's expense; and,
 - (c) That the owners of the property be directed to restore the boulevard with sod to its original condition or to barricade the boulevard and execute a parking agreement to prevent illegal parking in these areas; and
 - (d) That the City Solicitor be authorized and directed to prepare the necessary documents in relation to the discharge of these two agreements.
13. (a) That Section XXI - Cost of Services Attributable to the 5% Lands of the City's Standard Form Subdivision Agreement, be deleted from the agreement and replaced with the following section:
- Section XXI - Cost of Services Attributable to Lands Conveyed for Park Purposes
- The City will compensate the Subdivider for the portion of the cost of services attributable to the parklands conveyed to the City as follows:
- (i) the City will pay the subdivider in cash for the portion of the cost of services directly attributable to the park lands, but only after the Subdivider has paid for the installation, and inspection of the required services; and,
 - (b) That amendment (a) be applied to all subdivision agreements which Council approves schedules of work, after adoption of the amendment to the standard form subdivision agreement for the City of Hamilton.
14. (a) That the application of Fine Analysis Laboratories Ltd. to install and maintain a fibre optic communications cable under the Pritchard Road road allowance, be approved, subject to the following conditions.
- (i) That Fine Analysis Laboratories Ltd. enter into an agreement satisfactory to the City Solicitor and Commissioner of Transportation to indemnify and save the City harmless from all actions, causes of action, interests, claims, demands, costs, damages, expenses and loss; and,
 - (ii) That Fine Analysis Laboratories or its designated contractor become a member of the Ontario One Call System, the underground locate agency; and,
 - (b) That the Mayor and City Clerk be authorized to execute the City's standard form of agreement; and,

- (c) That Fine Analysis Laboratories Ltd. pay a first year fee \$266 and a subsequent annual fee of \$21.52 plus taxes if applicable.
- 15.
- (a) That the proposed process, appended hereto as Appendix "A", for initiating, planning, prioritizing and implementing traffic calming plans for City streets/neighbourhoods be approved; and,
 - (b) That the Commissioner of Public Works and Traffic be directed to prepare a submission for consideration in the 1999 City Capital Budget for traffic calming initiatives on City streets; and,
 - (c) That the Commissioner of Public Works and Traffic be directed to prepare a pamphlet explaining traffic calming for public distribution; and,
 - (d) That the Commissioner of Public Works and Traffic be directed to investigate, in conjunction with the Hamilton-Wentworth Regional Police Department, and report back on the feasibility of designating "community safety zones" on City streets, as provided for in Provincial Bill 26 "an act to promote public safety through the creation of community safety zones"; and,
 - (e) That the Commissioner of Public Works and Traffic be directed to investigate and report back on the feasibility of establishing Neighbourhood Speed Watch Programs to deal with the constant concerns about the speed of traffic on local residential streets; and,
 - (f) That the School Crossing Section of the Community Traffic and Parking Services Division be retitled "Neighbourhood Traffic Safety" Section to better emphasize the commitment to neighbourhood traffic/safety issues.
16. That all-way stop control be implemented at the intersection of Eagleglen Way and Upper Paradise Road and that the City Traffic By-law No. 89-72 be amended accordingly.
17. That the City of Hamilton notify the "Institute of Canadian Advertisers" of concerns related to advertising which encourages unsafe driving practices.
- 18.
- (a) (i) That the following property be declared surplus to the requirements of the City in accordance with Real Property Sales Procedural By-law No. 95-049:

"the lands composed of part of Mountain Brow Drive, Registered Plan 603, designated as Part 7 on Schedule "A" attached to the Offer to Purchase and containing an area of 536 square metres (5,769.6 square feet)"; and,

- (ii) That the Real Estate Division be authorized and directed to sell the subject property in accordance with the Real Property Sales Procedural By-law No. 95-049; and,
- (b)
 - (i) That an Offer to Purchase (Highway Closure) for the lands composed of part of Mountain Brow Drive, Registered Plan 603, designated as Part 7 and containing an area of 536 square metres (5,769.6 square feet) as shown on Schedule "A" attached to the agreement for the price of \$13,385, to be executed by Frank Papalia, be accepted. The said transaction is scheduled to close thirty (30) days after the conditions in the Offer have been fulfilled to the satisfaction of the City, being on or before 1998 December 4. Funds derived from this sale be credited to Account No. CH4X501 00102 (Reserve for Property Purchases (Sales)); and,
 - (ii) That a deposit in the amount of \$2 be held by the City Treasurer pending Council approval; and,
 - (iii) That the Offer be approved subject to clauses which state:
 - (1) that the closing of the Offer to Purchase (Highway Closure) be subject to the City of Hamilton accepting and completing an Option to Purchase executed by Mr. Frank Papalia for the purchase of part Lot 57, Concession 2, in the geographic Township of Ancaster, designated as Parts 3 and 4 on Schedule "A" attached to the agreement; and,
 - (2) that the said Option to Purchase and this Offer to Purchase (Highway Closure) be accepted by City Council concurrently and both properties be finalized contemporaneously with each other; and,
 - (iv) That the City Clerk be authorized and directed to execute and issue a Certificate of Compliance in the form prescribed pursuant to Section 193 of the Municipal Act incorporating the following:
 - (1) satisfactory notice has been given to pursuant to Section 300 of the Municipal Act (the highway sale provision); and,
 - (2) no appraisal of fair market value of the real property intended to be sold has been obtained as Highway Closures and Sales are exempt from the appraisal requirements of Section 193 of the Municipal Act; and,

- (c) (i) That an Option to Purchase, to be executed by Frank Papalia and scheduled to close on or before 1998 December 4, for the lands composed of part of Lot 57, Concession 2, in the geographic Township of Ancaster, designated as Parts 3 and 4, on Schedule "A" attached to the agreement and containing an area of 94 square metres (1,011.8 square feet), be approved and completed and the purchase price of \$2,348 be charged to Account No. CH 4X501 00102 (Reserve for Property Purchases (Sales)); and,
- (ii) That the Option be approved subject to clauses which state:
 - (1) that the closing of this Option to Purchase be subject to the City of Hamilton accepting and completing an Offer to Purchase (Highway Closure) executed by Frank Papalia, for the purchase of the closed portion of Mountain Brow Drive, Registered Plan 603, designated as Part 7 on Schedule "A" attached to the agreement; and,
 - (2) that the said Offer to Purchase and this Option to Purchase be accepted by City Council concurrently and both properties be finalized contemporaneously with each other; and,
- (iii) It is understood and agreed that:
 - (1) there will be no underground utilities installed in, on or under the walkway; and,
 - (2) the City of Hamilton will relocate, at its sole cost and expense the existing fence over Part 4 in order to establish the Pedestrian Pathway by removing the fence on the westerly boundary and replacing the fence along the most southeasterly boundary of Part 4 as shown on Schedule "A" attached to the agreement; and,
 - (3) the City of Hamilton will endeavour to preserve and protect any trees located in this area in accordance with the City by-law in place at any given time; and,
 - (4) the City of Hamilton will install a guard rail 8 feet in length, as designed and determined by the City located at the entrance of the trail, if required by the Vendor; and,
 - (5) no benches or lighting shall be located on Parts 3, 4, or 6 or the pathway to the north thereof as shown on Schedule "A" attached to the agreement; and,
- (iv) That the Mayor and City Clerk be authorized and directed to execute the necessary documents.

19. That the following Bills be adopted, signed, sealed and enrolled as By-laws:
- (a) A-70 A By-law to Sell a Closed Walkway between 61 and 62 Harbottle Court being all of Block 8, Plan 62M-709 as closed by Judges' Order LT514469 Designated as Parts 1 & 2 on Plan 62R-14304
 - (b) A-71 A By-law to Amend Traffic By-law No. 89-72 to Regulate Traffic
 - (c) A-72 A By-law to Amend Traffic By-law No. 89-72 to Regulate Traffic

Respectfully Submitted,

**ALDERMAN CHAD COLLINS, CHAIRMAN
TRANSPORT AND ENVIRONMENT COMMITTEE**

**Kevin C. Christenson, Secretary
1998 October 5**

TRAFFIC CALMING PROCESS

1. **Identify Problems/Concerns**
 - identify magnitude of problems/concerns
 - define study area/neighbourhood
 - preliminary investigations
 - consult with elected officials
2. **Neighbourhood Meeting**
 - explain reason for meeting/process
 - detail problems/concerns
 - select citizen committee
3. **Develop Traffic Calming Plan with Neighbourhood Committee**
 - data collection
 - citizen committee meetings
 - consult with emergency services (Police, Fire, Ambulance)
4. **Follow-up Neighbourhood Meeting**
 - presentation of traffic calming plan by citizen committee/staff and elected officials
 - "fine tuning" of plan
5. **Report to Committee/Council for Approval**
 - present plan
 - costs
 - implementation strategy (ie. prioritization of projects)
 - capital budget funding versus reconstruction projects
6. **Implementation**
 - advertising
 - temporary installation
7. **Evaluation**
 - before/after comparison
 - status report to Committee/Council (permanent installation approval)
8. **Permanent Installation**

REPORT OF THE TRANSPORT AND ENVIRONMENT COMMITTEE

To the Council of the Corporation of the City of Hamilton

Members of Council:

The Transport and Environment Committee presents its **TWELFTH** Report for 1998 and respectfully recommends:

1. That the City of Hamilton advise the Regional Municipality of Hamilton-Wentworth that the following represents Council's position in regards to the "Smart Moves - Downtown Demonstration Project Implementation":

- (a) That King Street West, from James Street North to Bay Street North, not be reduced from five travelled lanes to three, with increased on-street parking and lay-bys; and,

Recorded vote.

YEAS: Aldermen M. Kiss, B. Morelli, D. Haining, G. Copps, T. Anderson, B. Kelly, D. O'Sullivan. - 07.

NAYS: Mayor R. Morrow, Aldermen M. Caplan, A. Horwath, R. Corsini, D. Wilson, C. Collins, F. Eisenberger, T. Jackson, B. Charters, F. D'Amico. -10.

LOST.

- (b) That the issue of Bay Street North, from Main Street West to Cannon Street West, in the City of Hamilton being converted from one-way traffic operations to two-way be tabled until such time as the Downtown Secondary Plan has been completed and that this issue be referred to the Planning and Development Committee for consideration; and,
 - (c) That staff report back on the proposal of utilizing James Street and John Street as possible demonstration locations for converting one-way traffic operations to two-way.
 - (d)
 - (I) That King Street West, from James Street North to Bay Street North be reduced from five travelled lanes to three, with increased on-street parking and lay-bys; and,
 - (ii) That the cost of the King Street Smart Moves Demonstration Project, be financed from Regional Account #3011896, Downtown Streetscaping.

ADDED AND TABLED.

Recorded vote to Table Section 1(d):

YEAS: Aldermen M. Kiss, R. Corsini, B. Morelli, D. Haining, D. Wilson,
G. Copps, T. Jackson, B. Charters, T. Anderson, B. Kelly, F. D'Amico. –
11

NAYS: Mayor R. Morrow, Aldermen M. Caplan, A. Horwath, C. Collins,
F. Eisenberger, D. O'Sullivan. –06. **CARRIED.**

2. (a) That a "Permit Parking" regulation be implemented on the west side of Bond Street South commencing at a point 25 feet north of Marion Avenue and extending to a point 22 feet northerly therefrom, and on the east side of Bond Street South commencing at a point 63 feet north of Marion Avenue and extending to a point 22 feet northerly therefrom, and that City Traffic by-law 89-72 be amended accordingly; and,
- (b) That the Commissioner of Public Works and Traffic be authorized to issue one parking permit to Mrs. Deloris Reid, 65 Marion Avenue; and,
- (c) That the following bill be adopted, signed, sealed and enrolled as a By-law:

A-73 A By-law to Amend Traffic By-law No. 89-72 to Regulate Traffic.

Respectfully Submitted,

**ALDERMAN CHAD COLLINS, CHAIRMAN
TRANSPORT AND ENVIRONMENT COMMITTEE**

**Kevin C. Christenson, Secretary
1998 October 13**

REPORT OF THE PARKS AND RECREATION COMMITTEE

To the Council of the Corporation of the City of Hamilton

Members of Council:

The Parks and Recreation Committee presents its **TENTH** Report for 1998 and respectfully recommends:

1. That approval be granted to the Hamilton Hornets Rugby Football Club to sell alcoholic beverages at Mohawk Sports Park on 1998 October 17, October 24 and October 31 inclusive, in conjunction with the Ontario Rugby Football League Championships, by Special Occasion Permit only, and in accordance with the terms and conditions of the Licence Agreement.

Recorded vote.

YEAS: Mayor R. M. Morrow, Aldermen M. Kiss, M. Caplan, A. Horwath, R. Corsini, B. Morelli, D. Haining, D. Wilson, G. Copps, C. Collins, F. Eisenberger, T. Anderson, B. Charters, B. Kelly, F. D'Amico, D. O'Sullivan. -16.

NAYS: Alderman T. Jackson -1.

CARRIED.

2.
 - (a) That approval as required by Parks By-law No. 95-126, be given to "Touch the Past", Horse Drawn Vehicles, to bring a Victoria style, horse drawn carriage and team of horses into the parking lot at Dundurn Park on 1998 October 10 for the purpose of taking wedding photographs; and,
 - (b) That the applicant provide proof of liability insurance for \$2,000,000, naming the City as co-insured; and,
 - (c) That the applicant be responsible for all clean up and any damages to the grounds.
3.
 - (a) That the General Manager, Community Services Division, be authorized to deposit net proceeds of \$30 per ticket from a Dinner/Lecture on historical brewing into the Dundurn Restoration Account (No. CH4X940 00183); and,
 - (b) That tax receipts be issued for the donation portion of the ticket price.

4. That, as a result of a more suitable location being found, Section 1 (a) of the Seventh Report of the Parks and Recreation Committee for 1997, adopted by City Council at its meeting held 1997 July 8 respecting the approval and location of a plaque commemorating Robert Land be rescinded and the following be approved in lieu thereof:

"1. (a) That a one-sided plaque commemorating the historic significance of Robert Land as an early Hamilton settler be approved and erected in Woodlands Park."

5. That Parks By-law No. 95-126 as amended be further amended:

(a) to change all references to guide dog to "hearing aid, seeing eye and special needs dogs"; and,

(b) To suspend enforcement of Section 36 for only the designated leash free pilot project area at No. 1450 Rymal Road East during the one year trial period. In all other areas of the municipality the By-law will continue to be enforced in all respects.

Recorded vote.

YEAS: Mayor R. Morrow, Aldermen M. Kiss, M. Caplan, A. Horwath, R. Corsini, B. Morelli, D. Wilson, C. Collins, F. Eisenberger, T. Jackson, B. Charters, T. Anderson, B. Kelly, F. D'Amico, D. O'Sullivan. – 15.

NAYS: Aldermen D. Haining, G. Copps. –02.

CARRIED.

6. That a purchase order be issued to Arrowhead Paving Inc., Burlington, Ontario, in the amount of \$126,495.40 including all taxes and contingency, for the pathway reconstruction at Mountain Brow Park and Mountain Drive Park, being the only acceptable bid received in accordance with the tender documents number C16-2998 issued by the Purchasing Division and the vendor's tender, and that this expenditure be financed as follows - \$97,926.40 from Account No. CF809453015, Canada/Ontario Infrastructure Works program - Parking Lots and Pathways, and \$28,569 from Account No. CF628743002, Bike Paths/Playscapes-Phases 3 and 4.

7. (a) That an Option to Purchase, to be executed by Chedoke Health Corporation (Murray Halpren, Vice-President and Colin G. Lazier, President), and scheduled to close 1998 December 4, for the lands composed of part of Lot 57, Concession 2, in the geographic Township of Ancaster, designated as Part 1 on Schedule "A" attached to the agreement, containing an area of 5,220.63 square metres (1.29 acres), be approved and completed and the purchase price of \$2 be charged to Account No. CH5X306 00201 (Reserve for Parklands); and,

AMENDED.

(b) It is understood and agreed that:

- (i) The City of Hamilton accepts the subject property as the future 5% parkland dedication requirement for the proposed adjacent subdivision. In the event that the adjacent lands to the subject property comprising of 13.7 acres, more or less as shown as Parts 2 and 3 on Schedule "A" attached to the agreement are developed for residential development, the City of Hamilton will not require any further 5% cash-in-lieu of parkland payment of future lands to be dedicated in respect of that adjacent development; and,
- (ii) By accepting the subject lands as parkland dedication, the City of Hamilton is in no way expressing its support for the proposed residential development and the Vendor acknowledges and agrees that the conveyance herein shall not fetter City Council's jurisdiction in respect of any and all subdivision and/or application processes. The Chedoke Health Corporation or its successor will be required to follow the normal course of subdivision application and approval; and,
- (iii) The City of Hamilton agrees to install a five (5) foot, 1½" gauge, galvanized black fence along the southerly property line; and,
- (iv) Any landscaping undertaken by the City of Hamilton on Part 1 of Schedule "A" shall not further obstruct the escarpment view; and,

- (c) That as consideration in the amount of \$2 has been paid to the owner pursuant to the agreement, this amount be deducted from the purchase price; and,
- (d) That the Mayor and City Clerk be authorized and directed to execute the necessary documents.

- 8.
- (a) That, in light of the fact that no plants, flowers, etc. are permitted on individual Veterans' graves in the Fields of Honour, a Garden of Remembrance for the Veterans of Hamilton be created in Section 18, Woodland Cemetery; and,
 - (b) That the Hamilton Veterans Committee contribute \$1,000 to the Hamilton Municipal Cemeteries to create a Garden of Remembrance to be located on the berm surrounding the Veterans monument in Section 18, Woodland Cemetery; and,
 - (c) That the Hamilton Municipal Cemeteries be responsible for the following respecting the Garden of Remembrance:
 - (i) the development, design, general maintenance and upkeep of the Garden of Remembrance; and,

- (ii) the planting of all plants, shrubs, etc. in the Garden of Remembrance; and,
- (iii) the placement of appropriate signage in the garden and in the Cemetery Office to make Veterans and their families aware of the Garden of Remembrance; and,
- (iv) act as the liaison with Veterans and their families who wish to make a donation (either floral or financial) to the Garden of Remembrance.

- 9. (a) That the Commissioner of Public Works and Traffic be authorized to negotiate a formal agreement with Service Corporation International (Canada) Limited (S.C.I.C.) in a form satisfactory to the City Solicitor for the construction and operation of a crematorium/visitation centre, as a co-operative enterprise, at their expense, on City of Hamilton property being Mount Hamilton Cemetery, on the basis that their bid was the only qualified bid received; and,
- (b) That the Commissioner of Public Works and Traffic report back to the Parks and Recreation Committee on the results of these negotiations.

Recorded vote.

YEAS: Mayor R. Morrow, Aldermen M. Kiss, M. Caplan, A. Horwath, R. Corsini, B. Morelli, D. Haining, D. Wilson, C. Collins, F. Eisenberger, T. Jackson, B. Charters, T. Anderson, B. Kelly, F. D'Amico, D. O'Sullivan. -16.

NAYS: Alderman G. Copps. -01.

CARRIED.

- 10. That staff be authorized to investigate and report back to Committee on the methods, terms and costs under which the Corporation of the City of Hamilton may terminate its 1985 August 13 Agreement with the late Ronald and Bertram Veevers regarding the assets and property known as No. 22 Veevers Drive.

- 11. That the following Bill be adopted, signed, sealed and enrolled as a By-law:

B-1 A By-law to Amend By-law No. 95-126, The Parks By-law.

- 12. (a) That approval as required by Section 23 of Parks By-law No. 95-126 as amended, be given to Her Majesty in Right of Canada as represented by the Ministry of National Defence and the Argyll and Sutherland Highlanders of Canada and the Air Reserve Helicopter Squadron to land a helicopter in Ivor Wynne Stadium during the Hamilton Tiger Cat Football Pre-Game show, 1998 November 1, as part of their Reserve Appreciation Day subject to the Terms and Conditions of the Special Event Guidelines; and,

- (b) That consistent with the requirements of the Special Events Guidelines, the City of Hamilton receive indemnification from Her Majesty in Right of Canada for the landing of a helicopter in Ivor Wynne Stadium. **ADDED.**

Respectfully Submitted,

**ALDERMAN BERNIE MORELLI, CHAIRMAN
PARKS AND RECREATION COMMITTEE**

**Kevin C. Christenson
Secretary**

1998 October 5

REPORT OF THE PLANNING AND DEVELOPMENT COMMITTEE

To the Council of the Corporation of the City of Hamilton

Members of Council:

The Planning and Development Committee presents its **SEVENTEENTH** Report for 1998 and respectfully recommends:

1. (a) That approval be given to Official Plan Amendment No. 152 to redesignate Block "3", as shown on the attached map marked as Appendix "A" from "Residential" to "Commercial" and that the City Solicitor be directed to prepare the By-law of Adoption for submission to the Regional Municipality of Hamilton-Wentworth.
- (b) That approval be given to Amended Zoning Application ZAC-98-23, FDJ Holdings Inc., owner, for a modification to the established "JJ" (Restricted Light Industrial) District (Block "1") and "Lmr-1" (Planned Development - Multiple Residential) District (Block "2"), and for a change in zoning from "Lmr-1" (Planned Development - Multiple Residential) District to "HH" (Restricted Community Shopping and Commercial, etc.) District (Block "3"), to permit the use of Blocks "1" and "2" for temporary parking for a maximum of three (3) years and Block "3" for commercial uses in conjunction with the existing commercial uses, for lands located south of Barton Street East, west of Centennial Parkway North and north of Eastgate Court located at the rear of 2420 - 2434 Barton Street East, as shown on the attached map marked as Appendix "A", on the following basis:
 - (i) That Block "3" be rezoned from "Lmr-1" (Planned Development - Multiple Residential) District to "HH" (Restricted Community Shopping and Commercial, etc.) District; and,
 - (ii) That the "JJ" (Restricted Light Industrial) District regulations as contained in Section 16A. of Zoning By-law No. 6593, applicable to Block "1", be modified to include the following variances, as special requirements:
 - (1) that notwithstanding Section 16A.(1), the temporary use of the lands for the parking of motor vehicles in accordance with Section 39 of the Planning Act, for a period not exceeding three-years from the day of the passing of the By-law shall be permitted; and,
 - (2) a planting strip having a minimum width of 3.0 m, with a visual barrier not less than .2 m and not more than 2.0 m in height, shall be provided and maintained along the southerly lot line and along the westerly lot line; and,
 - (3) no vehicular access shall be permitted to Eastgate Court; and,

- (iii) That the "L-mr-1" (Planned Development - Multiple Residential) District regulations as contained in Section 17B of Zoning By-law No. 6593, applicable to Block "2", be modified to include the following variances, as special requirements:
 - (1) that notwithstanding Section 17B.(6)(a)(ii), the temporary use of the lands for the parking of motor vehicles in accordance with Section 39 of the Planning Act, for a period not exceeding three-years from the day of the passing of the By-law shall be permitted; and,
 - (2) a planting strip having a minimum width of 3.0 m, with a visual barrier not less than 1.2 m and not more than 2.0 m in height, shall be provided and maintained along the southerly lot line; and,
 - (3) no vehicular access shall be permitted to Eastgate Court; and,
 - (iv) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Maps E-103 and E-104 for presentation to City Council; and,
 - (v) That the proposed modification in zoning for Blocks "1" and "2" is in conformity with the Official Plan for the Hamilton Planning Area and that the proposed change in zoning for Block "3" will be in conformity with the Official Plan for the Hamilton Planning Area upon approval of Official Plan Amendment No. 152 by the Regional Municipality of Hamilton Wentworth; and,
 - (vi) That, upon finalization of the implementing Zoning By-law, the Kentley Neighbourhood Plan be amended to redesignate Block "3" from "Attached Housing" to "Commercial"; and,
 - (c) That Site Plan Control By-law No. 79-275, as amended by By-law 87-233, be amended by adding Blocks "1" and "2" to Schedule "A".
2. (a) That the submission of Urban Strategies, Inc. be selected as the consultants to undertake the Design Study of the Downtown Secondary Plan, at a cost of \$60,000; and,
- (b) That the submission of PriceWaterhouse Coopers be selected as the consultants to undertake the Economic and Development Financing Studies of the Downtown Secondary Plan, at a cost of \$40,000.

TABLED.

3.
 - (a) That a secured loan in the amount of twenty-four thousand, eight hundred and seventy-two dollars (\$24,872) to Roger Francoeur for improvements to 559 Barton Street East be approved subject to the fulfillment of the borrowing requirements of the Commercial Property Improvement Loan Program. The interest rate is set at 3.75 per cent, amortized over ten (10) years; and,
 - (b) That a grant from the Barton Street Revitalization Fund in the amount of twelve thousand, four hundred and thirty-six dollars (\$12,436) be utilized to pay-down this loan as per the terms of the Barton Street Revitalization Program.
4.
 - (a) That a secured loan in the amount of twenty-five thousand dollars (\$25,000) to Dalbir Seerha for improvements to 561 Barton Street East be approved subject to the fulfillment of the borrowing requirements of the Commercial Property Improvement Loan Program. The interest rate is set at 3.75 per cent, amortized over ten (10) years; and,
 - (b) That a grant from the Barton Street Revitalization Fund in the amount of twelve thousand, five hundred dollars (\$12,500) be utilized to pay-down this loan as per the terms of the Barton Street Revitalization Program; and,
 - (c) That an unsecured loan from the Barton Street Revitalization Fund in the amount of two thousand, two hundred and thirty-two dollars (\$2,232) to Dalbir Seerha, for improvements to 561 Barton Street East be approved subject to the fulfillment of the borrowing requirements of the Commercial Property Improvement Loan Program. The interest rate is set at 3.75 per cent, amortized over a period less than seven (7) years; and,
 - (d) That a grant from the Barton Street Revitalization Fund in the amount of one thousand, one hundred and sixteen dollars (\$1,116) be utilized to pay-down this loan as per the terms of the Barton Street Revitalization Loan Program.
5.
 - (a) That a secured loan in the amount of thirteen thousand, eight hundred and thirty two dollars (\$13,832) to Filomena Raso, for improvements to 629 Barton Street East be approved subject to the fulfillment of the borrowing requirements of the Commercial Property Improvement Loan Program. The interest rate is set at 3.75 per cent, amortized over ten (10) years; and,
 - (b) That a grant from the Barton Street Revitalization Fund in the amount of six thousand, nine hundred and sixteen dollars (\$6,916) be utilized to pay-down this loan as per the terms of the Barton Street Revitalization Program.

6.
 - (a) That a secured loan in the amount of twenty-five thousand dollars (\$25,000) to Allan Hendry for improvements to 657 Barton Street East be approved subject to the fulfillment of the borrowing requirements of the Commercial Property Improvement Loan Program. The interest rate is set at 3.75 per cent, amortized over ten (10) years; and,
 - (b) That a grant from the Barton Street Revitalization Fund in the amount of twelve thousand, five hundred dollars (\$12,500) be utilized to pay-down this loan as per the terms of the Barton Street Revitalization Program; and,
 - (c) That an unsecured loan from the Barton Street Revitalization Fund in the amount of five thousand dollars (\$5,000) to Allan Hendry, for improvements to 657 Barton Street East be approved subject to the fulfillment of the borrowing requirements of the Commercial Property Improvement Loan Program. The interest rate is set at 3.75 per cent, amortized over a period less than seven (7) years; and,
 - (d) That a grant from the Barton Street Revitalization Fund in the amount of two thousand, five hundred dollars (\$2,500) be utilized to pay-down this loan as per the terms of the Barton Street Revitalization Loan Program.
7. That a Hamilton Emergency Loan (H.E.L.P.) in the amount of one thousand, two hundred and four dollars (\$1,204) be approved for Roberto and Lilla Distefano, 26 Case Street. The interest rate will be 2 per cent amortized over 5 years.
8. That the Local Architectural Conservation Advisory Committee provide a letter of support to the Ontario Workers' Arts and Heritage Centre for an application made to the Ontario Ministry of Citizenship, Culture and Recreation's Cultural Strategic Development Fund for a grant of nineteen thousand, six hundred dollars (\$19,600) to assist with the Made-in-Hamilton Industrial Trail Implementation Plan.
9. That the following Bills be adopted, signed, sealed and enrolled as By-laws:
 - (a) C-111 A By-law to Designate an Improvement Area Generally Comprised of Lands Between Caroline Street and Queen Street, Known as the King Street West Business Improvement Area.
 - (b) C-112 A By-law to Amend Zoning By-law No. 6593 and to Repeal Zoning By-law No. 97-073 Respecting Prohibited Use – Charity Casino (Charity Gaming Club).

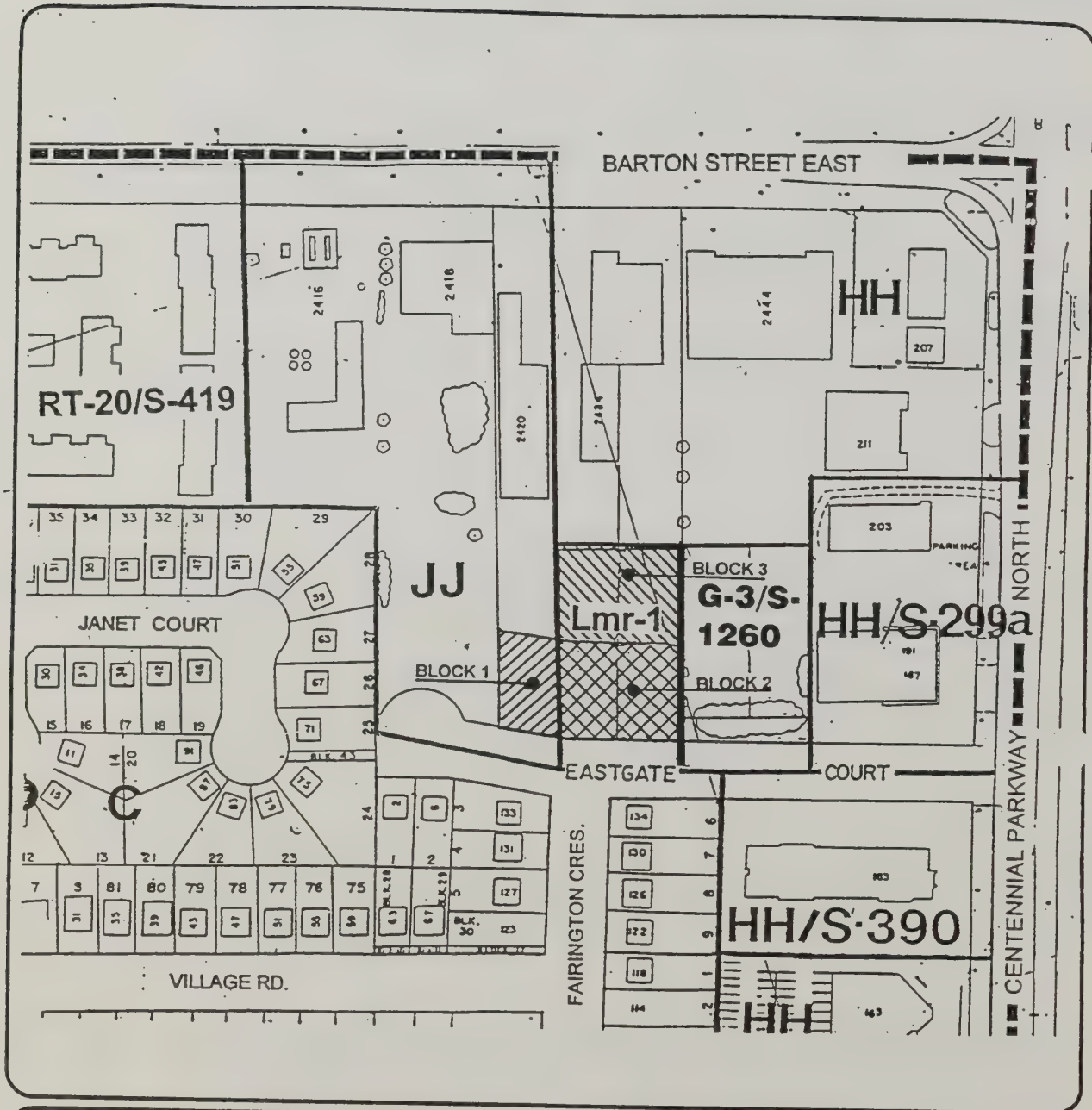
- (c) C-113 A By-law to Amend Zoning By-law No. 6593 and to Repeal Zoning By-law No. 98-228 Respecting Land Located at the Rear of Municipal Nos. 1289-1317 Upper James Street.
 - (d) C-114 A By-law to Amend Zoning By-law No. 6593 as Amended by Zoning By-law No. 96-139 Respecting Lands Located at Municipal No. 18 Homewood Avenue.
 - (e) C-115 A By-law to Amend Zoning By-law No. 6593 as Amended by By-law No. 98-242 Respecting Land Located at Municipal No. 649 Upper James Street.
 - (f) C-116 A By-law to Adopt Official Plan Amendment No. 153 Respecting Lands Located at 27 Dundurn Street North Within the Strathcona Neighbourhood.
 - (g) C-117 A By-law to Amend Zoning By-law No. 6593 Respecting Land Located at Municipal No. 27 Dundurn Street North.
10. (a) That approval be given to the request by John Parente, Solicitor for 822827 Ontario Inc. (A. DiSilvestro, President), owner, for a 1 year extension to remove part-lot control in order to establish maintenance easements for Lots 2 - 4, inclusive, Lots 7 - 11, inclusive, Lots 13 - 16, inclusive and Lots 27 - 30, inclusive, located in "Wisemount Estates, Phase 8", Registered Plan No. 62M-826, known municipally as 171 - 203 Lockheed Drive, inclusive, and 2 - 19 Mansion Court, inclusive, as shown on Appendix "C"; and,
- (b) That the appropriate By-law, to extend the removal of part-lot control until January 1, 2000, from Lots 2 - 4, inclusive, Lots 7 - 11, inclusive, Lots 13 - 16, inclusive and Lots 27 - 30, inclusive, Registered Plan 62M-826, "Wisemount Estates, Phase 8" plan of subdivision, be enacted by Council. **ADDED.**
11. (a) C-118 A By-law to Extend By-law No. 98-19 Respecting Land Within the "Wisemount Estates – Phase 8" Subdivision, Plan 62M-826 from Part Lot Control.
- (b) C-119 A By-law to Adopt Official Plan Amendment No. 150 Respecting Lands Located at 852 Upper Wentworth Street Within the Bruleville Neighbourhood.
- (c) C-120 A By-law to Amend Zoning By-law No. 6593 as Amended by Zoning By-laws No. 95-111 and 97-153 Respecting Lands Located at Municipal No. 852 Upper Wentworth Street. **ADDED.**

1998 October 13

Respectfully submitted,

**ALDERMAN F. D'AMICO
PLANNING AND DEVELOPMENT
COMMITTEE**

**Tina Agnello, Secretary
1998 October 7**



Legend

Proposed change in zoning:

BLOCK 1



Modification to the "JJ" (Restricted Light Industrial) District

BLOCK 2



Modification to the "Lmr-1" (Planned Development) District

BLOCK 3



From "Lmr-1" (Planned Development) District to "HH" (Restricted Community Shopping and Commercial) District

City of Hamilton

Location Map

Planning and Development Department

North



Scale
NOT TO SCALE

Reference File No.
ZAC-98-23

Date
September, 1998

Drawn By
B. B.

LOCHEED DRIVE / MANSION COURT



REPORT OF THE FINANCE AND ADMINISTRATION COMMITTEE

To the Council of the Corporation of the City of Hamilton

Members of Council:

The Finance and Administration Committee presents its **NINETEENTH** Report for 1998 and respectfully recommends:

1. That as referred to in Section 5 of the Ninth Report for 1998 of the Parks and Recreation Committee approved by City Council at its meeting on 1998 September 29th, the increased cost of restoration of architectural features – Historic Sites, Account Centre No. CF 719841062 from \$40,000 to \$65,000 by \$25,000 be financed by a transfer of excess funds from Capital Projects.
2. That as referred to in Section 7 of the Ninth Report for 1998 of the Parks and Recreation Committee approved by City Council at its meeting on 1998 September 29th, the estimated cost of removing the fill on City-owned lands adjacent to 359 Hixon Road in the amount of \$21,000 be financed from the Reserve for Contingency Centre CH0115.
3.
 - (a) That DP Consultants Inc. of Woodbridge, Ontario, provide a replacement used IBM Model 3160 laser printer and printing maintenance services for a 15 month period from 1998 October to 1999 December at \$8,610/month (the lowest of two proposals received); and,
 - (b) That funding be provided from Account CH56605-26016 (Host Printing Equipment Rental).
4. That the Mayor and the City Clerk be authorized to execute a 5 month extension (from 1998 July 30th to 1998 December 31st) to the Master Lease Agreement for leasing services with IBM Canada Limited and that the agreement be in a form satisfactory to the City Solicitor.
5.
 - (a) That the 1998 Grant recommendations with respect to the various outstanding 1998 General Grants which were referred to the Mayor's Office and as summarized on the Schedule attached herewith and marked as Appendix "A", be approved; and,
 - (b) That the recommended total grants in the amount of \$6,000 be funded from the 1998 unallocated general grant funds account CH5a049 20016.

6.
 - (a)
 - (I) That the .3 metre reserve abutting the easterly limit of Meaford Drive, be declared surplus to the requirements of the City of Hamilton in accordance with the Real Property Sales Procedural By-law No. 95-049; and,
 - (ii) That the Real Estate Division be authorized and directed to sell the .3 metre reserve in accordance with the Real Property Sales Procedural By-law No. 95-049; and,
 - (b)
 - (i) That an Offer to Purchase the one foot reserve abutting the easterly limit of Meaford Drive for the price of \$2, executed by Sabatino Manganiello, on 1998 September 16, be accepted. This .3 metre (one foot) more or less, reserve, being more specifically described as Parts 2 and 5 on Reference Plan 62R-14585, said transaction scheduled to close on 1998 November 20. Funds derived from this sale be credited to Account No. CH 4X501 00102 (Reserve for Property Purchases (Sales)); and,
 - (ii) That the City Clerk be authorized and directed to execute and issue a Certificate of Compliance in the form prescribed pursuant to Section 193 of the Municipal Act incorporating the following:
 - (1) Satisfactory notice has been given to the public of the intended sale; and,
 - (2) No appraisal of the fair market value of the real property intended to be sold has been obtained as .3 metre reserves are exempt from appraisal requirements of Section 193 of the Municipal Act; and,
 - (iii) That the Mayor and City Clerk be authorized to execute any and all documents and/or notices required by applicable legislation in a form satisfactory to the City Solicitor.
7.
 - (a) That the Grants Process Group review all applications received for funding under the Advance Funding Program of the Ontario Lottery Corporation; and,
 - (b) That a deadline of 1998 October 30 be established and advertised for the receipt of applications for funding under the Advance Funding Program; and,
 - (c) That the Grants Process Group review all applications received for funding under the Advance Funding Program and prepare the roster of charities and the level of funding each one should receive, for submission to the Finance and Administration Committee.

8. (a) That Hamilton Area M.P.'s be invited to a Committee of the Whole Meeting to hear the City's concerns with respect to the Hamilton Harbour and the new Port Authority structure.
- (b) That the City advise the Federal Government that the municipal representative on the new Port Authority be from Hamilton.
9. That the following Bill be adopted, signed, sealed and enrolled as a By-law:

D-51 A By-law to Confirm the Proceedings of the Council of The Corporation of the City of Hamilton.
11. That a Capital Grant in the amount of \$5,000 be awarded to the "All Star Jazz Band" and be funded from the Reserve for Capital Projects Account. **ADDED**

Recorded vote.

YEAS: Mayor R. Morrow, Aldermen M. Kiss, M. Caplan, A. Horwath, R. Corsini, D. Haining, D. Wilson, C. Collins, F. Eisenberger, T. Jackson, B. Charters, B. Kelly, F. D'Amico, D. O'Sullivan. -14.

NAYS: Alderman G. Copps. -01.

Respectfully submitted,

**ALDERMAN D. WILSON, CHAIRMAN
FINANCE AND ADMINISTRATION COMMITTEE**

**Susan K. Reeder
Secretary
1998 October 6**

1998 GENERAL GRANT REFERRALS

Exhibit 1

ITEM	NAME OF ORGANIZATION	1998 GRANT REQUEST	1998 GRANT RECOMM- ENDATION
1	<u>*Note 3 – Refer to the Mayor's Office</u> The Canadian Red Cross Society - Jazz Wine & Romance	\$5,000	0
2	The Hamilton Beach Preservation Committee - To assist in 175 th anniversary celebration	\$5,000	\$2,000
3	Hamilton Board of Education City-Wide Choir - To help defray operating costs	\$4,600	\$2,000
4	Serbian Folklore Ensemble "KOLO" - for general operating costs (Subject to F/S)	<u>\$7,500</u> <u>\$22,100</u>	<u>\$2,000</u> <u>\$6,000</u>
5	<u>*Note 4 – Refer to the Mayor's Office, Economic Development and Recreation Departments</u> Earth Day Hamilton - general operating	\$96,340	0
6	Hamilton Music Scene '98 - expenses	<u>\$174,134</u> <u>\$270,474</u>	0

*Notes refer to the recommendations of City Council with respect to the 1998 General Grants as approved by Council April 16, 1998.

CAY ON HBC AOS
M21
1998

1998 October 20

**URBAN
MUNICIPAL**

Minutes of City Council
1998 October 20
7:15 o'clock p.m.
Room 233, City Hall

URBAN MUNICIPAL

OCT 26 1998

The Council met:

GOVERNMENT DOCUMENTS

Present: Mayor R. M. Morrow, Chairman.
Aldermen M. Kiss, M. Caplan, A. Horwath, R. Corsini, B. Morelli,
D. Haining, D. Wilson, G. Copps, C. Collins, F. Eisenberger,
B. Charters, T. Anderson, B. Kelly, F. D'Amico, D. O'Sullivan.

Absent: Alderman T. Jackson – Regional Business

Mayor R. M. Morrow called the meeting to order.

* * * * *

It was moved by Alderman Kiss and seconded by Alderman Caplan that the Report of the Finance and Administration Committee, and resolutions be now considered in Committee of the Whole, with Mayor R. Morrow in the Chair.

Recorded vote.

YEAS: Mayor R. M. Morrow, Aldermen M. Kiss, M. Caplan, A. Horwath,
R. Corsini, B. Morelli, D. Haining, D. Wilson, G. Copps, C. Collins,
F. Eisenberger, B. Charters, T. Anderson, B. Kelly, F. D'Amico,
D. O'Sullivan. -16.

NAYS: -0.

CARRIED.

FINANCE AND ADMINISTRATION COMMITTEE – TWENTIETH REPORT

RESOLUTION

Complement Approval Process

It was moved by Alderman Eisenberger and seconded by Alderman Caplan

That the following Complement Approval Process be approved:

- (a) That approval for all complement adjustments that can be accommodated within budget, or result in net savings, rest with the City Manager.
- (b) That approval for all complement adjustments which result in a net cost that cannot be accommodated within budget rest with the City and Regional Councils.
- (c) That the City Manager report, on a semi-annual basis, to the City and Regional Councils through the appropriate Standing Committees the deployment of human resources in the City and Regional Corporations.
- (d) That the City Manager be required to provide a recommendation with regard to the filling of a vacant General Manager position or a vacant Statutory Officer position to the City and Regional Councils and the Manager of Engineering Operations to City Council.
- (e) That the City Manager have the authority to approve the hiring of all other employees of the City and Regional Corporations.
- (f) That the City Solicitor be authorized and directed to make the appropriate changes to City of Hamilton Procedural By-law 95-167, as amended by By-law 96-135.

* * * * *

It was moved by Alderman Morelli and seconded by Alderman Haining that section (a) of the resolution respecting the Complement Approval Process be amended by adding at the end of the section the words "and the Chairman of the Finance and Administration Committee". **LOST.**

* * * * *

It was moved by Alderman Charters and seconded by Alderman Wilson that section (c) of the resolution respecting the Complement Approval Process be amended by deleting the word "semi-annual" in the first line and inserting in lieu thereof the word "quarterly". **CARRIED.**

* * * * *

NOV 19 1998

GOVERNMENT DOCUMENTS

Council then voted on the resolution respecting the Complement Approval Process as amended and approved it as follows:

That the following Complement Approval Process be approved:

- (a) That approval for all complement adjustments that can be accommodated within budget, or result in net savings, rest with the City Manager.
- (b) That approval for all complement adjustments which result in a net cost that cannot be accommodated within budget rest with the City and Regional Councils.
- (c) That the City Manager report, on a quarterly basis, to the City and Regional Councils through the appropriate Standing Committees the deployment of human resources in the City and Regional Corporations.
- (d) That the City Manager be required to provide a recommendation with regard to the filling of a vacant General Manager position or a vacant Statutory Officer position to the City and Regional Councils and the Manager of Operations to City Council.
- (e) That the City Manager have the authority to approve the hiring of all other employees of the City and Regional Corporations.
- (f) That the City Solicitor be authorized and directed to make the appropriate changes to City of Hamilton Procedural By-law 95-167, as amended by By-law 96-135.

ALDERMEN MORELLI, HAINING AND ANDERSON RECORDED AS OPPOSED.

RESOLUTION

Bill C-121: A By-law to Amend Zoning By-law No. 6593 and to Repeal Zoning By-law
Nos. 70-42 and 98-256 Respecting Land Located at Municipal No. 649 Upper James Street.

Rule No. 9 Re: Bill C-121: A By-law to Amend Zoning By-law 6593

It was moved by Alderman D'Amico and seconded by Alderman Copps that Rule No. 9 of the City's Procedural By-law No. 95-167 be invoked for this meeting of City Council in order to consider the adoption of a By-law Respecting Land Located at Municipal No. 649 Upper James Street.

CARRIED.

* * * * *

It was moved by Alderman D'Amico and seconded by Alderman Copps that the following Bill be signed, sealed and enrolled as a By-law:

C-121: A By-law to Amend Zoning By-law No. 6593 and to Repeal Zoning By-law Nos. 70-42, 98-242 and 98-256 Respecting Land Located at Municipal No. 649 Upper James Street. **CARRIED.**

* * * * *

It was moved by Alderman Kiss and seconded by Alderman Caplan that the Report of the Committee of the Whole on the Report of the Finance and Administration Committee, and resolutions, be adopted.

Recorded vote.

YEAS: Mayor R. M. Morrow, Aldermen M. Kiss, M. Caplan, A. Horwath, R. Corsini, B. Morelli, D. Haining, D. Wilson, G. Copps, C. Collins, F. Eisenberger, B. Charters, T. Anderson, B. Kelly, F. D'Amico, D. O'Sullivan. -16.

NAYS: -0. **CARRIED.**

* * * * *

City Council then adjourned at 7:30 o'clock p.m.

* * * * *

Taken as read and approved.

**MAYOR R. M. MORROW
CHAIRMAN**

S. G. Hollowell, Acting City Clerk
1998 October 20
SGH/dg

REPORT OF THE FINANCE AND ADMINISTRATION COMMITTEE

To the Council of the Corporation of the City of Hamilton

Members of Council:

The Finance and Administration Committee presents its **TWENTIETH** Report for 1998 and respectfully recommends:

1.
 - (a) That the District Energy System Political Steering Committee be composed of Aldermen Bob Charters, Fred Eisenberger, Terry Anderson and Dave Wilson; and,
 - (b) That, subject to receipt of confirmation of legal authority, or the process for obtaining such authority, for the District Energy System, the Steering Committee be:
 - (i) Authorized and directed to invite proposals, through an expression of interest, for the supply of energy; and,
 - (ii) Instructed to report to the City of Hamilton Finance and Administration Committee and Region of Hamilton-Wentworth Environmental Services Committee on its recommended choice of a supplier; and,
 - (iii) Authorized and directed to initiate, on behalf of Regional Council, a Class Environmental Assessment Process (master plan) for the District Energy System with specific emphasis on the energy transmission component; and,
 - (c) That a managing interest for the District Energy System be established through control of the transmission system.
2. That the City of Hamilton supports the resolution which will be presented by David Christopherson, MPP, to the Legislative Assembly respecting Provincial downloading as follows:

“That this House urge the Harris government to acknowledge the downloading of services and expenditures to Hamilton and Hamilton Wentworth is not revenue neutral and has in fact created an unacceptable crisis in local property tax increases and,

That this House urge the Harris government to acknowledge that:

Mike Harris and the Conservative Party of Ontario promised the citizens of Ontario fair and equitable taxation in the Common Sense Revolution, and property tax is an unfair and regressive form of taxation.

Mike Harris promised – in bold letters – on page five of the Common Sense Revolution “We will work closely with municipalities to ensure that any actions we take will not result in increases to local property taxes.”

Mike Harris also promised that the province’s exchange of services and expenditures would be revenue neutral.

The Harris downloading has short-changed the citizens of Hamilton and Hamilton Wentworth by \$36.3 million per year forcing dramatic property tax hikes.

The Harris government’s own figures confirm this \$36.3 million shortfall.

The eight year phase in of the Harris government’s Business Education Tax has discriminated against Hamilton and Hamilton Wentworth by putting an additional \$17 million dollar burden onto local taxpayers.

The Province reneged on its original commitment to a three year Small Business Rebate Program, and will now only fund the program for one year.

Many of our citizens may lose their homes, businesses and jobs as a result of the drastic property tax increases foisted on local taxpayers by the Mike Harris government.

Any future downturn in the economy could potentially bankrupt the municipalities who must now bare the brunt of increased social service costs and responsibilities.

City and Regional councillors are being unfairly blamed and forced to explain these huge Harris tax hikes.

That this House urge the Harris government to immediately pay back to Hamilton and Hamilton Wentworth the \$36.3 million they have shortchanged our community, and

That this House urge the Harris government to eliminate the \$17 million dollar cost of their Business Education Tax by revoking the eight year phase in period and moving immediately to the provincial average, as well as reinstating their original three year commitment to the Small Business Rebate Program.

3. That the following Bill be adopted, signed, sealed and enrolled as a By-law:

D-52 A By-law to Confirm the Proceedings of the Council of The Corporation of the City of Hamilton .

Respectfully submitted,

**ALDERMAN D. WILSON, CHAIRMAN
FINANCE AND ADMINISTRATION COMMITTEE**

**Susan K. Reeder
Secretary
1998 October 20**

CAY ON HBL AOS

1998 October 27

M21

1998

Minutes of City Council

1998 October 27

4:00 o'clock p.m.

Webster Room, Hamilton Convention Centre

URBAN MUNICIPAL

NOV 19 1998

CITY OF HAMILTON

The Council met:

Present: Acting Mayor T. Jackson, Chairman.
Aldermen M. Kiss, M. Caplan, A. Horwath, R. Corsini, B. Morelli,
D. Haining, D. Wilson, G. Copps, C. Collins, F. Eisenberger,
B. Charters, T. Anderson, B. Kelly, F. D'Amico, D. O'Sullivan.

Absent: Mayor R. M. Morrow – Civic Business

Acting Mayor T. Jackson called the meeting to order.

* * * * *

It was moved by Alderman R. Corsini and seconded by Alderman B. Charters that City Council recess until the conclusion of the Regional Council Meeting. **CARRIED.**

* * * * *

Council reconvened at 5:30 o'clock p.m.

* * * * *

RESOLUTIONS

Re: Defer the issuance of the final tax installment for 1998

It was moved by Alderman F. D'Amico and seconded by Alderman B. Kelly that the appropriate by-law to authorize the General Manager – Finance to defer the issuance of the final tax installment for 1998 for any properties all or in part composed of the commercial and industrial classes until December 15, 1998 or such earlier date as Council may direct be enacted.

CARRIED.

* * * * *

Re: Introduction of Bill E-22: A By-law respecting the levying of taxes for the year 1998
Re: Introduction of Bill E- 21: A By-law to Confirm the Proceedings of the Council of the Corporation of the City of Hamilton.

It was moved by Alderman F. D'Amico and seconded by Alderman B. Kelly that the following Bills be signed, sealed and enrolled as By-laws:

Bill No. E-22: A By-law respecting the levying of taxes for the Year 1998.

Bill No. E-21: A By-law to Confirm the Proceedings of the Council of the Corporation of the City of Hamilton.

CARRIED.

* * * * *

City Council then adjourned at 5:45 o'clock p.m.

* * * * *

Taken as read and approved.

ALDERMAN T. JACKSON
ACTING MAYOR

S. G. Hollowell, Acting City Clerk
1998 October 27
SGH/dg

CAY ON HBL AOS

M21

1998

1998 October 27

URBAN MUNICIPAL

NOV 19 1998

Minutes of Hamilton City Council
Tuesday, October 27, 1998
7:30 o'clock p.m.
Webster Room, Hamilton Convention Centre

GOVERNMENT DOCUMENTS

The Council met:

There were present: Acting Mayor T. Jackson, Chairman; Aldermen M. Kiss, M. Caplan, R. Corsini, B. Morelli, D. Haining, D. Wilson, G. Copps, C. Collins, F. Eisenberger, B. Charters, T. Anderson, B. Kelly, F. D'Amico, D. O'Sullivan

Absent: Mayor R. M. Morrow – Civic Business
Alderman A. Horwath - Illness

Acting Mayor T. Jackson called the meeting to order.

City Council sang the National Anthem

City Council recited the prayer.

PRESENTATIONS

Acting Mayor T. Jackson acknowledged the following for their participation as corporate partners in funding the operating costs of the 1998 Hamilton Beautification Program:

Landscape Ontario,
Investors Group,

Union Gas,
Canadian Tire,

The Spectator,
F.M. Page & Sons

Dofasco,

Acting Mayor T. Jackson presented the Commercial /Industrial Award to 208 Queen Street North - City Window & Glass and Health Science Corporation Nora Francis Henderson Hospital.

Acting Mayor T. Jackson presented the Pink Trillium Awards to:

Ward 1	78 Mayfair Cr.	Sasha Weisz
Ward 2	163 Duke Street	Michael and Janice Brown
Ward 3	76 Somerset	Virginia and Ewald Sinkevicius
Ward 4	40 Benson	Lee and Karen Purdy
Ward 5	134 Farrington Cr.	Thai and Lisa Tudo
Ward 6	31 Ridley	Stephen and Dorothy Wran
Ward 7	3 Parkwood Cr.	Gerry Thurston
Ward 8	815 Brigadoon	Barbara Stewart

1998 October 27

* * * * *

Acting Mayor T. Jackson presented the Red Trillium Award to 31 Ridley, Stephen and Dorothy Wran.

Judges were:

Sharilyn Ingram, Director, RBG
Mrs. Lydia Szukis, Member, Master Gardener Program, Niagara
Mark Hommersen, Chairman, Hamilton Beautification Program
Regina Pakalniskis, 1997 Red Trillium winner
Shirley Elford, Artist & Creator of the Red Trillium Award

* * * * *

Acting Mayor T. Jackson presented Hamilton Civic Awards to the following:

Hamilton Hoppers Jump rope Team - Gold Medalists at the National Championships - Halifax

Members

Julie Bellemare
Matt Delorey
Leanne Melloh
Amanda Pereira

Coaches and Executive

Craig Crawford
Shannon Crawford
Marsha Cronjaeger
Deanna Smith
Tracy Mogensen

* * * * *

Acting Mayor T. Jackson presented Certificates of Recognition to the following:

Extreme Energy Baton Group - Gold Medallists at the Provincial Championships
The Juvenile Dance Twirl Team won the award at Humber College this June

Athletes

Laura Dobbie	Christine Capuano
Lisa Dobbie	Sarah Kiernan
Hollyn Hollingsworth-McGrane	Catherine Lemyre

* * * * *

Acting Mayor T. Jackson presented a Certificate of Recognition to Teddy Pearce who won the Gold medal and the National Championship.

* * * * *

Acting Mayor T. Jackson presented Certificates of Recognition to the Ontario Seniors Games - Hamilton participants who won awards at Actifest:

Larry and Freda Dupuis
Noel Eve Clegg & Rosanna Sadwick
Jack Malley
Leo Aresenault & Jim Hawkins
Alice Tia

Gold medal - Cribbage
Gold medal - Euchre
Silver medal - swimming
Silver medal - horseshoes
Bronze medal - Ladies Snooker

ADOPTION OF MINUTES

The following minutes were adopted as circulated:

- (a) October 13, 1998 (regular meeting)
- (b) October 20, 1998 (special meeting) were amended as follows:

It was moved by Alderman C. Collins and seconded by Alderman B. Charters that sub-section (d) of a resolution respecting Complement Approval Process, approved by City Council at its special meeting held on Tuesday, 1998 October 20th, be amended by deleting the word "Engineering" in the third line.

CARRIED.

CORRESPONDENCE

- 1. Letter dated 1998 October 8 from Ken Hall, Chairman, Giant's Rib Discovery Centre Project Team respecting Site Selection.

Referred to Parks and Recreation Committee

- 2. Letter dated 1998 October 14 from S. Glover, Secretary, Mayor's Committee Against Racism and Discrimination respecting the greeting sign on Hamilton Mountain.

Received.

* * * * *

It was moved by Alderman M. Kiss and seconded by Alderman M. Caplan that the Reports of the Planning and Development Committee, the Committee of the Whole, and resolutions be considered in Committee of the Whole with Alderman D. O'Sullivan in the chair.

Recorded vote.

YEAS: Acting Mayor T. Jackson, Aldermen M. Kiss, M. Caplan, R. Corsini, B. Morelli, D. Haining, D. Wilson, G. Copps, C. Collins, F. Eisenberger, T. Anderson, B. Charters, B. Kelly, F. D'Amico, D. O'Sullivan. -15.

NAYS: -0.

CARRIED.

PLANNING AND DEVELOPMENT COMMITTEE – EIGHTEENTH REPORT

Section 1 Re: Zoning Application 98-33 – 330 and 342 Dundurn St. S.

Recorded vote.

YEAS: Acting Mayor T. Jackson, Aldermen M. Kiss, M. Caplan, R. Corsini, B. Morelli, D. Haining, D. Wilson, C. Collins, F. Eisenberger, T. Anderson, B. Charters, B. Kelly, F. D'Amico, D. O'Sullivan. -14.

NAYS: Alderman G. Copps. -1.

CARRIED.

COMMITTEE OF THE WHOLE – TWENTY-FOURTH REPORT

Section 2 Re: Manager of Urban Design

Recorded vote.

YEAS: Acting Mayor T. Jackson, Aldermen M. Kiss, M. Caplan, R. Corsini, D. Haining, D. Wilson, B. Kelly, F. D'Amico, D. O'Sullivan. -9.

NAYS: Aldermen B. Morelli, G. Copps, F. Eisenberger, C. Collins, B. Charters, T. Anderson. -6.

CARRIED.

* * * * *

Section 4 (a) Re: Flamboro Downs - Teletheatre

Recorded vote.

YEAS: Acting Mayor T. Jackson, Aldermen R. Corsini, B. Morelli, D. Haining, D. Wilson, C. Collins, T. Anderson, B. Charters, B. Kelly, D. O'Sullivan. -10.

NAYS: Aldermen M. Kiss, M. Caplan, G. Copps, F. Eisenberger, F. D'Amico. -5.

CARRIED.

TABLED MOTIONS FROM PREVIOUS MEETINGS

Section 30 from July 7, 1998 Council Meeting Re: Planning Tariff fees

It was moved by Alderman F. D'Amico and seconded by Alderman R. Corsini that Section 30 of the Special meeting of Council which was tabled by Hamilton City Council at its meeting held 1998 July 7 be now lifted from the table.

30. (a) That the proposed Planning Tariff fees for planning applications, as contained in appendix "A" be approved; and,
- (b) That the City Solicitor be directed to further amend By-law 97-084 incorporate the new fee structure; and,
- (c) That the Union position deleted by the Committee of the Whole, at its meeting of June 16, 1998 be reinstated based on the anticipated workloads and because the budget requirement to be met by the Planning and Development Committee will be offset by the \$55,015 increase in planning fees."

CARRIED.

* * * * *

Re: Section 30 from July 7, 1998 Council Meeting Re: Planning Tariff fees

It was moved by Alderman D'Amico and seconded by Alderman Corsini that Section 30 of the Special meeting of Council which was tabled by Hamilton City Council at its meeting held 1998 July 7 be referred to the Planning and Development Committee:

30. (a) That the proposed Planning Tariff fees for planning applications, as contained in appendix "A" be approved; and,
- (b) That the City Solicitor be directed to further amend By-law 97-084 incorporate the new fee structure; and,
- (c) That the Union position deleted by the Committee of the Whole, at its meeting of June 16, 1998 be reinstated based on the anticipated workloads and because the budget requirement to be met by the Planning and Development Committee will be offset by the \$55,015 increase in planning fees."

CARRIED.

* * * * *

Re: Smart Moves – Downtown Demonstration Project Implementation

It was moved by Alderman G. Copps and seconded by Alderman D. Haining that Section 1(d) of the Twelfth Report of the Transport and Environment Committee be referred back to the Transport and Environment Committee. **CARRIED.**

* * * * *

Re: Submission of Price Waterhouse Coopers

It was moved by Alderman F. D'Amico and seconded by Alderman B. Kelly that Section 2 (a) of the Seventeenth Report of the Planning and Development Committee for 1998 which was tabled for two weeks by Hamilton City Council at its meeting held 1998 October 13 be approved:

2. (b) That the submission of Price Waterhouse Coopers be selected as the consultants to undertake the Economic and Development Financing Studies of the Downtown Secondary Plan, at a cost of \$40,000. **CARRIED.**

* * * * *

Re: 25 Hughson – Downtown Convert/Renovate –to-Residential Loan Program

It was moved by Alderman F. D'Amico and seconded by Alderman B. Kelly that Sub-sections (a), (b), (c) and (d) of Section 7 of the Fifteenth Report of the Planning and Development Committee be deleted. **CARRIED.**

* * * * *

It was moved by Alderman F. D'Amico and seconded by Alderman B. Kelly that sub-sections (e) and (f) of Section 7 of the Fifteenth Report of the Planning and Development Committee for 1998 be renumbered (a) and (b) and approved as amended as follows:

- (a) That a grant under the Core Heritage 2000 Program in the amount of \$75,000 to DeSantis Group Inc., (Tony DeSantis) for façade improvements to 25 Hughson Street South be approved, subject to the applicant meeting the requirements of the program that is currently pending approval by the Ministry of Municipal Affairs and Housing; and,
- (b) That the grant approval be conditional on the applicant receiving a structural permit within 3 months of 1998 October 27 and a building permit within 6 months of 1998 October 27. **CARRIED.**

Recorded vote.

YEAS: Acting Mayor T. Jackson, Aldermen M. Kiss, M. Caplan, R. Corsini,
B. Morelli, D. Haining, D. Wilson, C. Collins, F. Eisenberger,
T. Anderson, B. Charters, B. Kelly, F. D'Amico, D. O'Sullivan. -14.

NAYS: Alderman G. Copps. -1.

CARRIED.

RESOLUTIONS

Re: Rule No. 9 : Re: Authorization to enter into an agreement
Approval of a by-law to authorize an extension agreement
Awarding of a Construction Contract – Fire Station

It was moved by Alderman D. Wilson and seconded by Alderman G. Copps that Rule No. 9 of the City's Procedural By-law No. 95-167 be invoked for this meeting of City Council in order to allow the introduction of resolutions respecting:

- (a) Authorization to enter into extension agreements on specific properties for the payment of realty tax arrears; and,
- (b) Approval of the By-law to Authorize an Extension Agreement for Payment of Realty Tax Arrears
- (c) Award of Construction Contract – Fire Station No. 8, Melvin and Woodward

CARRIED.

* * * * *

Re: Extension Agreement on specific properties

It was moved by Alderman D. Wilson and seconded by Alderman G. Copps

- (a) That the City be authorized to enter into Extension Agreements, if required, in a form satisfactory to the City Solicitor and the City Treasurer pursuant to Section 8 of the Municipal Tax Sales Act, with the owners as outlined in Schedule "A" attached to extend the time open for payment of realty tax arrears in accordance with the policy for extension agreements approved by City Council on 1994 June 28th; and,
- (b) That a By-law to authorize the said Extension Agreements be enacted by City Council; and,
- (c) That the Mayor and City Clerk be authorized to execute the aforesaid By-law and Extension Agreements.

CARRIED.

* * * * *

Re: Introduction of a By-law: D-053: A By-law to authorize an extension agreement for payment of realty tax arrears.

It was moved by Alderman Wilson and seconded by Alderman Copps that the following Bill be adopted, signed, sealed and enrolled as a By-Law:

D-53 A By-law to authorize an extension agreement for payment of realty tax arrears.
CARRIED.

* * * * *

Re: Purchase Order – James Kemp Construction Ltd.

It was moved by Alderman Wilson and seconded by Alderman Copps:

- (a) That approval be given to issue a Purchase Order to James Kemp Construction Limited of Hamilton in the amount of One Hundred and Seventy Three Thousand, Eight Hundred and Sixty Seven (\$173,867.) plus applicable taxes to construct an additional apparatus bay for the Fire Station No. 8 at 400 Melvin Avenue; and,
- (b) That a contract satisfactory to the City Solicitor be entered into between the City and the Contractor; and,
- (c) That the Mayor and the City Clerk be authorized to execute the contract on behalf of the City; and,
- (d) That the staff be authorized to commission the removal of three trees located where the proposed expansion is, and the replanting of three new trees in the vicinity of the Fire Station in accordance with the City By-Law No. 92-155 Respecting Trees. **CARRIED.**

ACTING MAYOR FOR THE MONTH OF NOVEMBER, 1998
--

It was moved by Alderman Kiss and seconded by Alderman Caplan that Alderman Bob Charters be appointed Acting Mayor for the month of November, 1998. **CARRIED.**

* * * * *

It was moved by Alderman M. Kiss and seconded by Alderman M. Caplan that the Report of the Committee of the Whole on the Reports of the Planning and Development Committee, the Committee of the Whole, and resolutions be adopted.

Recorded vote.

YEAS: Acting Mayor T. Jackson, Aldermen M. Kiss, M. Caplan, R. Corsini, B. Morelli, D. Haining, D. Wilson, G. Copps, C. Collins, F. Eisenberger, T. Anderson, Charters, B. Kelly, F. D'Amico, D. O'Sullivan. -15.

NAYS: -0.

CARRIED.

* * * * *

City Council then adjourned 8:45 o'clock p.m.

* * * * *

Taken as read and approved.

**ALDERMAN T. JACKSON
ACTING MAYOR**

**S. G. Hollowell
Acting City Clerk
1998 October 27
SGH/dg**

REPORT OF THE PLANNING AND DEVELOPMENT COMMITTEE

To the Council of the Corporation of the City of Hamilton

Members of Council:

The Planning and Development Committee presents its **EIGHTEENTH** Report for 1998 and respectfully recommends:

1. That approval be given to Zoning Application 98-33, 1242324 Ontario Inc., Dominic Occhionorelli, owner, for a modification to the established "H" (Community Shopping and Commercial, etc.) District (Block "1") and "G - 1" (Designed Shopping Centre) District (Block "2") to permit a lodging house to accommodate ninety (90) senior citizens within the existing building, for property located at 330 and 342 Dundurn Street South, as shown on the attached map marked as Appendix "A", on the following basis:
 - (a) That the "H" (Community Shopping and Commercial, etc.) District regulations as contained in Section 14 of Zoning By-law 6593, applicable to Block "1" be modified to include the following variances as special provisions:
 - (1) That notwithstanding Section 14(1) (i), the following uses shall be permitted:
 - (a) a senior citizens "lodging house" for the accommodation of a maximum of ninety (90) persons within three floors of the building; and,
 - (b) a lodging room having bathroom facilities; and,
 - (b) That the "G-1" (Design Shopping Centre) District regulations as contained in Section 13A of Zoning By-law 6593, applicable to Block "2" be modified to include the following variance as a special provision:
 - (1) That notwithstanding Section 13A(1), only parking accessory to the lodging house on Block "1" shall be permitted; and,
 - (c) That the amending by-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-1415, and that the subject lands on Zoning District Map W-24 be notated S-1415; and,
 - (d) That the City Solicitor be directed to prepare a By-law to amend zoning By-law No. 6593 and Zoning District Map W-24, for presentation to City Council; and,

- (e) That this proposed modification in zoning is in conformity with the Official Plan for the Hamilton Planning Area; and,
- (f) That Blocks "1" and "2" be redesignated on the Approved Kirkendall North Neighbourhood Plan from "Commercial" to "Medium Density Apartments" upon finalization of the implementing By-law; and,
- (g) That for the purpose of this By-law, a senior citizens lodging house means a lodging house within which all residents are at least 60 years of age or older.

Recorded vote.

YEAS: Acting Mayor T. Jackson, Aldermen M. Kiss, M. Caplan, R. Corsini, B. Morelli, D. Haining, D. Wilson, C. Collins, F. Eisenberger, T. Anderson, B. Charters, B. Kelly, F. D'Amico, D. O'Sullivan. -14.

NAYS: Alderman G. Copps. -1.

CARRIED.

2. That approval be given to Zoning Application ZAC-98-38, Aurello Marrone and Laurie Marrone, owners, for a change in zoning from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District, to permit the use of the subject lands for single family residential uses, for lands located east of Upper Sherman Avenue, west of Eaglewood Drive, north of Dalia Avenue and located at the rear of 1465 Upper Sherman Avenue, as shown on the attached map marked as Appendix "B", on the following basis:
 - (a) That the subject lands be rezoned from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District; and,
 - (b) That the Director of Planning and Development be authorized to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Maps E-38C and E-38D for presentation to City Council; and,
 - (c) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning.
3. That approval be given to Zoning Application ZAC-98-36, Silvestri Investments, owner, for a change in zoning from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District, to permit the use of the subject lands for single family residential uses, in accordance with the "Falconstone" draft approved plan of subdivision, for lands located north of Stone Church Road East, west of the future extension of Distin Drive, as shown on the attached map marked as Appendix "C", on the following basis:
 - (a) That the subject lands be rezoned from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District; and,

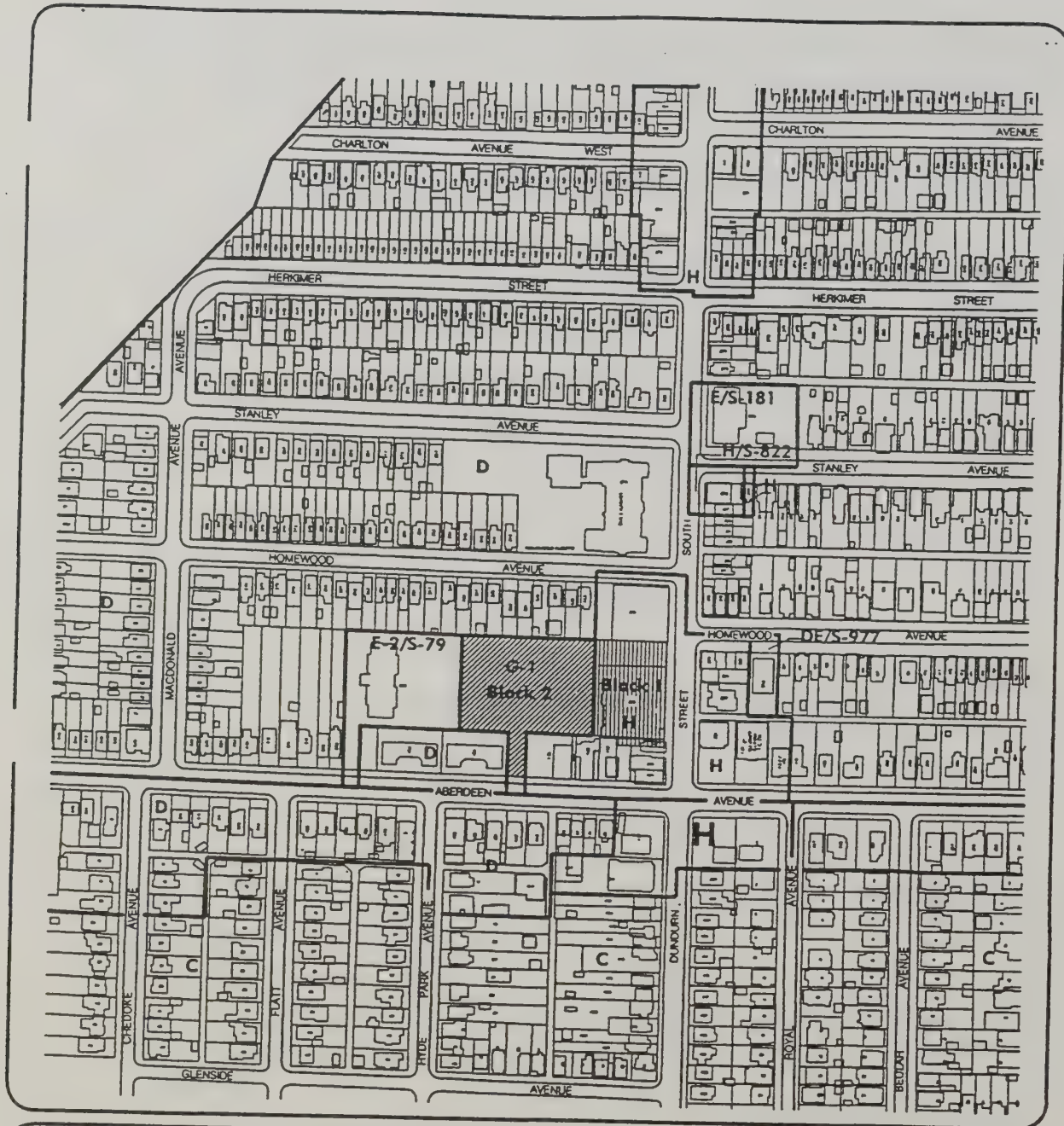
- (b) That the Director of Planning and Development be authorized to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-18C for presentation to City Council; and,
 - (c) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning area.
4. That a purchase order be issued to Modern Ornamental Iron Works (Hamilton) Limited, in the amount of \$85,600 including all taxes, for the fabrication and installation of steel components for Ferguson Avenue between King Street East and King William Street, being the only tender received in accordance with Purchasing procedures, and that this expenditure be financed from the Downtown Phase of the Ferguson Avenue Master Plan Account Number CF 5698 409755037.
 5. That the Building Commissioner be authorized to issue a demolition permit for 52 Fraser Avenue in accordance with By-Law 74-290 pursuant to Section 33 of The Planning Act, as amended.
 6. That the Building Commissioner be authorized to issue a demolition permit for 56 Peter Street in accordance with By-Law 74-290 pursuant to Section 33 of The Planning Act, as amended.
 7. That the Building Commissioner be authorized to issue a demolition permit for 58 Peter Street in accordance with By-Law 74-290 pursuant to Section 33 of The Planning Act, as amended.
 8. That the Building Commissioner be authorized to issue a demolition permit for 62 Peter Street in accordance with By-Law 74-290 pursuant to Section 33 of The Planning Act, as amended.
 9. That the Building Commissioner be authorized to issue a demolition permit for 66 Peter Street in accordance with By-Law 74-290 pursuant to Section 33 of The Planning Act, as amended.
 10. That the Building Commissioner be authorized to issue a demolition permit for 68 Peter Street in accordance with By-Law 74-290 pursuant to Section 33 of The Planning Act, as amended.

11. That the City of Hamilton accept the sum of \$13,200 as a cash payment in lieu of the 5% land dedication in connection with "Central Estates", Hamilton being the cash payment required under 51.1 of the Planning Act.
12. That the following Bills be adopted, signed, sealed and enrolled as By-laws:
 - (a) C-122 A By-law to Adopt Official Plan Amendment No. 154 Respecting Lands Located at 537 Queenston Road Within the Kentley Neighbourhood.
 - (b) C-123 A By-law to Amend Zoning By-law No. 6593 Respecting Lands Located at Municipal Nos. 535 and 537 Queenston Road.
 - (c) C-124 A By-law to Establish Site Plan Control Respecting Lands Located at Municipal Nos. 535 and 537 Queenston Road.

Respectfully submitted,

**ALDERMAN F. D'AMICO,
CHAIRMAN,
PLANNING AND DEVELOPMENT
COMMITTEE**

**Tina Agnello, Secretary
1998 October 21**



Sites of the Application



Block 1



Block 2

Modification to the "H" (Community Shopping and Commercial, etc.) District and "G-1" (Designed Shopping Centre) District

City of Hamilton

Location Map

Planning and Development Department

North

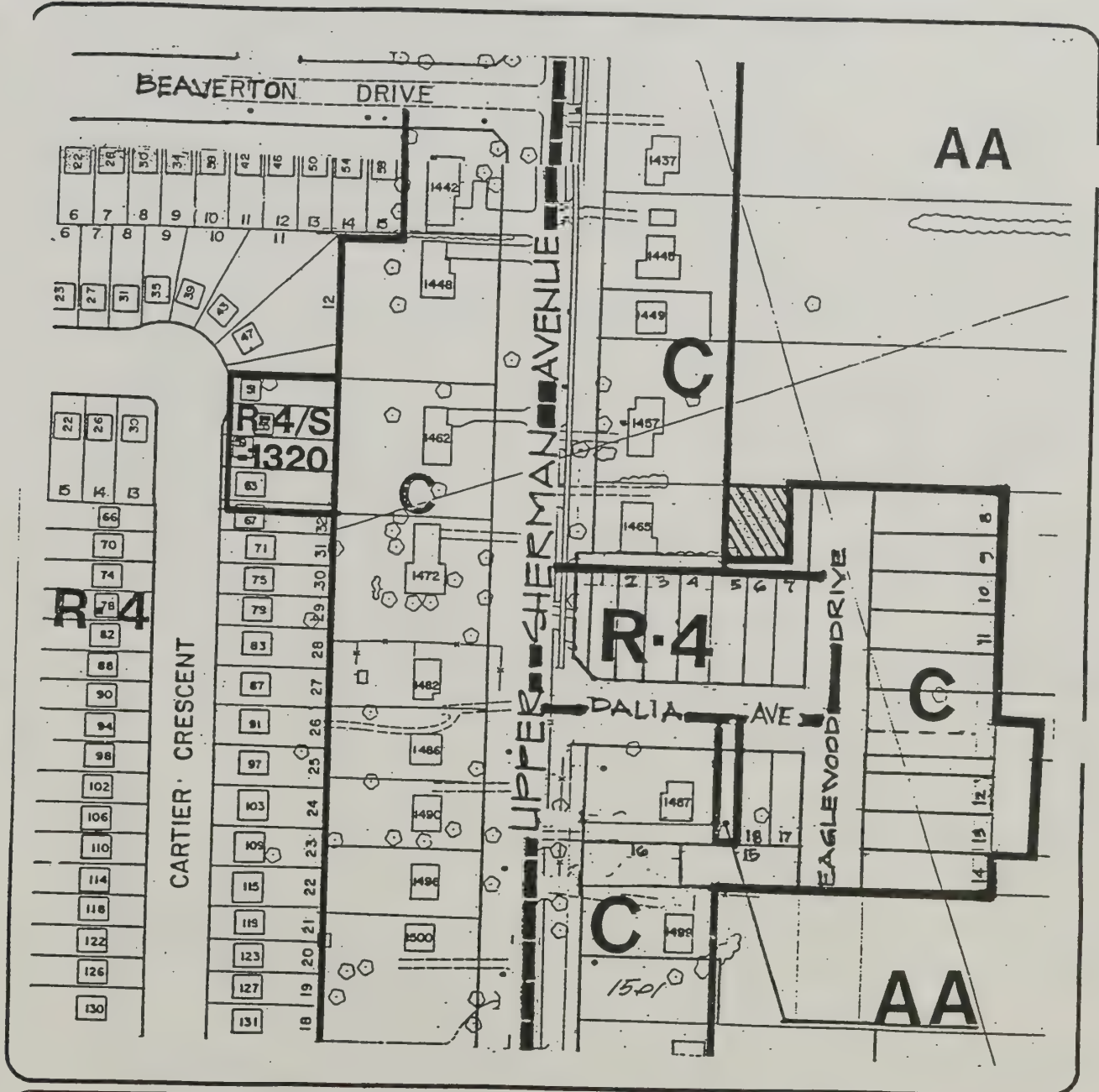


Scale
NOT TO SCALE

Date
August, 1998

Reference File No.
ZAR-98-33

Drawn By
J.Sims



Legend

Change in Zoning:



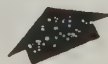
From "AA" (Agricultural) District to
"C" (Urban Protected Residential, etc.) District

City of Hamilton

Location Map

Planning and Development Department

North

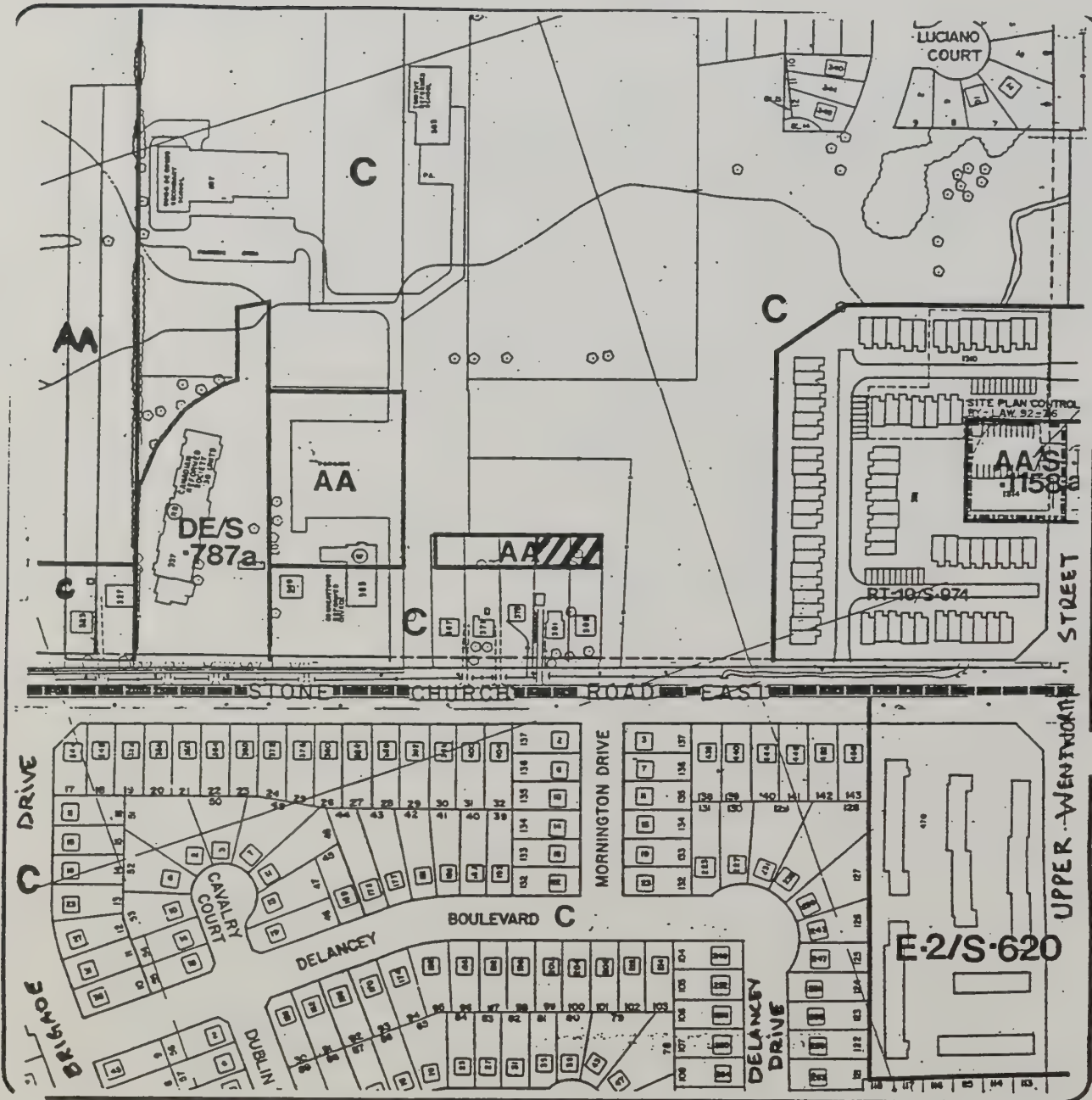


Scale
NOT TO SCALE

Reference File No.
ZAC-98-38

Date
September, 1998

Drawn By
B. B.



Legend



Site of the Application

City of Hamilton

Location Map

Planning and Development Department

North



Scale
NOT TO SCALE

Date
SEPT 1998

Reference File numb
ZAC-98-36

Drawn By
D.L.

REPORT OF THE COMMITTEE OF THE WHOLE

To the Council of the Corporation of the City of Hamilton.

Members of Council

The Committee of the Whole presents its **TWENTY-FOURTH** Report for 1998 and respectfully recommends:

1. To acquire land to be used for a pathway for public recreational purposes as part of the Master Plan for Ferguson Avenue, it is recommended:
 - (a) That, in accordance with the Expropriations Act, Council, as an approving authority, approve the application of the City to expropriate land for walkway and other municipal purposes, such land described as Part 5, Plan 62R-14129, being a strip of land extending between Main Street East and King Street East; and,
 - (b) That, having considered the Report of the Inquiry Officer, Council, as approving authority, has approved the proposed expropriation of Part 5 only because the lands are reasonably necessary in the achievement of the objectives of the expropriating authority; and,
 - (c) That the City Clerk be authorized and directed to give Notice of the City's decision and reasons in accordance with the Expropriations Act; and,
 - (d) That Council, as expropriating authority, authorize the City Solicitor to prepare an appropriate by-law to expropriate the land for walkway and other municipal purposes; and,
 - (e) That Council, as approving authority, authorize and direct the City Treasurer to pay Jim Turnbull, Solicitor, \$200 in accordance with the recommendation of the Inquiry Officer; and,
 - (f) That Council, as approving authority, authorize and direct the City Treasurer to identify a source of funding for the expropriation; and
 - (g) That Council, as expropriating authority, directs that an expropriation plan no be registered for at least thirty (30) days from the date of this resolution in order to facilitate continued negotiations between representatives for the City and the property owner.
2.
 - (a) That the position of Manager of Urban Design be retained until September 30, 2000, subject to the restructuring of the Planning and Development Division.
 - (b) That the requested funding come from within the Budget of the Planning and Development Department.

Recorded vote.

YEAS: Acting Mayor T. Jackson, Aldermen M. Kiss, M. Caplan, R. Corsini, D. Haining, D. Wilson, B. Kelly, F. D'Amico, D. O'Sullivan. -9.

NAYS: Aldermen B. Morelli, G. Copps, F. Eisenberger, C. Collins, B. Charters, T. Anderson. -6. **CARRIED.**

3. That \$106,008 from the former Hamilton Handicap Loan Fund, and \$300,000 from the Hamilton Assistance Rehabilitation Program fund (HARP), be transferred to the Downtown Convert/Renovate-to-Residential Loan Program.
4. (a) That City Council advise the Ontario Racing Commission that it is aware of the request from Flamboro Downs for an additional proposed Teletheatre location at 265 Dundurn Street South, and that City Council has no objection to this location being approved.

Recorded vote.

YEAS: Acting Mayor T. Jackson, Aldermen R. Corsini, B. Morelli, D. Haining, D. Wilson, C. Collins, T. Anderson, B. Charters, B. Kelly, D. O'Sullivan. -10.

NAYS: Aldermen M. Kiss, M. Caplan, G. Copps, F. Eisenberger, F. D'Amico. -5.

- (b) That the Ontario Racing Commission return the issue to the community for review in one year.
5. That the following Bill be adopted, signed, sealed and enrolled as a By-law:
D-54 A By-law to Confirm the Proceedings of the Council of the Corporation of the City of Hamilton.

RESPECTFULLY SUBMITTED

**ALDERMAN D. O'SULLIVAN
CHAIRMAN
COMMITTEE OF THE WHOLE**

S. G. Hollowell, Acting City Clerk
1998 October 27

CAY ON HB2 AOS
M21
1998

1998 November 3

**URBAN
MUNICIPAL**

Minutes of Special Meeting of City Council
Tuesday, 1998 November 3
7:00 o'clock p.m.
Albion Rooms B & C
Hamilton Convention Centre

URBAN MUNICIPAL

NOV 20 1998

The Council met:

GOVERNMENT DOCUMENTS

Present: Mayor R. M. Morrow, Chairman.
Aldermen M. Kiss, M. Caplan, A. Horwath, R. Corsini, B. Morelli,
D. Haining, D. Wilson, G. Copps, C. Collins, F. Eisenberger, T. Jackson,
B. Charters, T. Anderson, B. Kelly, F. D'Amico, D. O'Sullivan.

Mayor R. M. Morrow called the meeting to order.

* * * * *

It was moved by Alderman Kiss and seconded by Alderman Caplan that Council move into Committee of the Whole to consider resolutions and By-laws.

Recorded vote.

YEAS: Mayor Morrow, Aldermen Kiss, Caplan, Horwath, Corsini, Morelli, Haining,
Wilson, Copps, Collins, Eisenberger, Jackson, Charters, Anderson, Kelly,
D'Amico, O'Sullivan. -17.

NAYS: -0.

CARRIED.

* * * * *

Council moved in-camera to consider personnel issues.

Council then reconvened in public session.

* * * * *

It was moved by Alderman Kiss and seconded by Alderman Caplan that Rule 3(d) of the City of Hamilton Procedural By-law No. 95-167 be suspended for this meeting of City Council in order to permit consideration of matters not listed on the agenda.

CARRIED.

RESOLUTIONS

Appointment of General Manager, Planning and Development
Appointment of Medical Officer of Health
Appointment of Clerk
Repeal City & Region Solicitor Appointment By-laws
Bill E-23, Bill E-24
City Representative – Hamilton Hydro-Electric Commission
Bill E-25

It was moved by Alderman Corsini and seconded by Alderman Horwath that Ms. Lee Ann Coveyduck be appointed to the position of General Manager, Planning and Development and that the City Manager be authorized and directed to negotiate the terms and conditions of employment. **CARRIED.**

Aldermen Copps, Charters and Jackson recorded as opposed.

* * * * *

It was moved by Alderman Caplan and seconded by Alderman Kelly:

- (a) That Dr. Elizabeth Richardson be appointed to the position of Medical Officer of Health and that the City Manager be authorized and directed to establish the terms and conditions of employment.
- (b) That the City Manager be authorized and directed to request that the Minister of Health confirm the appointment of the Councils.

CARRIED.

* * * * *

It was moved by Alderman Haining and seconded by Alderman Morelli:

- (a) That Joseph J. Schatz be appointed to the position of Clerk and that the City Manager be authorized and directed to establish the terms and conditions of employment.
- (b) That the Solicitor be requested to prepare the necessary by-laws for the City and the Region to appoint Mr. Schatz.

CARRIED.

* * * * *

It was moved by Alderman Eisenberger and seconded by Alderman Corsini that the Solicitor be requested to prepare the necessary by-laws to repeal the current City and Regional appointment bylaws.

Recorded vote.

YEAS: Mayor Morrow, Aldermen Caplan, Horwath, Corsini, Wilson, Eisenberger, Kelly, D'Amico, O'Sullivan. -9.

NAYS: Aldermen Kiss, Morelli, Haining, Copps, Collins, Jackson, Charters, Anderson. -8.

CARRIED.

* * * * *

It was moved by Alderman Eisenberger and seconded by Alderman Corsini that Bill E-23, a By-law to Repeal By-law No. 90-94 be adopted, signed, sealed and enrolled as a By-law.

CARRIED

* * * * *

It was moved by Alderman Eisenberger and seconded by Alderman Corsini that Bill E-24, a By-law to Amend By-law No. 95-167 Respecting: The Proceedings of the Municipal Council and Committees of the City of Hamilton be adopted, signed, sealed and enrolled as a By-law.

Recorded vote:

YEAS: Mayor Morrow, Aldermen Caplan, Horwath, Corsini, Wilson, Eisenberger, Kelly, O'Sullivan. -8.

NAYS: Aldermen Kiss, Morelli, Haining, Copps, Collins, Jackson, Charters, Anderson, D'Amico. -9.

LOST.

* * * * *

It was moved by Alderman Charters and seconded by Alderman Wilson that:

- (a) That the City Manager, or his designate, be appointed as the City's representative on the Hamilton Hydro Commission, for no longer than two years; and,
- (b) That the citizen applicants for this position be advised of this decision prior to this Thursday's scheduled interviews.

CARRIED.

Alderman Jackson was recorded as opposed.

* * * * *

It was moved by Alderman Kiss and seconded by Alderman Caplan that Bill E-25, a By-law to Confirm Proceedings of the Council of the Corporation of the City of Hamilton at its Meeting held on the 3rd day of November, 1998 be adopted, signed, sealed and enrolled as a By-law.

CARRIED

* * * * *

It was moved by Alderman Kiss and seconded by Alderman Caplan that the Report of the Committee of the Whole on the resolutions and by-laws, be adopted.

Recorded vote.

YEAS: Mayor Morrow, Aldermen Kiss, Caplan, Horwath, Corsini, Morelli, Haining, Wilson, Copps, Collins, Eisenberger, Jackson, Charters, Anderson, Kelly, D'Amico, O'Sullivan. -17.

NAYS: -0.

CARRIED.

* * * * *

City Council then adjourned at 8:10 o'clock p.m.

* * * * *

Taken as read and approved.

MAYOR R. M. MORROW
CHAIRMAN

S. G. Hollowell, Acting Clerk
1998 November 3
SGH/bc

CAY ON HBL AOS

M21

1998

1998 November 10

Minutes of Hamilton City Council
Tuesday, November 10, 1998
7:30 o'clock p.m.
Webster Rooms A, B & C
Hamilton Convention Centre

UNBAM MUNICIPAL

NOV 19 1998

GOVERNMENT DOCUMENTS

The Council met:

There were present: Mayor Morrow, Chairman; Aldermen Kiss, Caplan, Horwath, Corsini, Morelli, Haining, Wilson, Copps, Collins, Eisenberger, Jackson, Charters, Anderson, Kelly, D'Amico, O'Sullivan

Mayor Morrow called the meeting to order.

The National Anthem was played.

Rabbi Bernard Baskin, Anshe Sholom Temple, led Council in prayer.

PRESENTATIONS

Mayor Morrow presented certificates to the following local peace keepers:

R.H.L.I. WENTWORTH REGIMENT

Lieutenant Colonel W. Kedziora
Sergeant Peter Minkenberg
Master Corporal Conor Brennan
Master Corporal Robert Coates

ARGYLL & SUTHERLAND HIGHLANDERS

Lieutenant Colonel R.D. Kennedy
Master Corporal William Legere
Corporal David Winstanley
Corporal Drew Battersby
Corporal Scott Atkinson
Corporal Christopher Sogan

11th FIELD BATTERY DETACHMENT

Lieutenant Colonel W. M. Shiplo, Commanding Officer
Corporal Bradley Rosekat

705 COMMUNICATIONS SQUADRON

Lieutenant Colonel R.F. Bialachowski, Commanding Officer

HMCS STAR

Lieutenant Commander P.W. Duynstee

23RD SERVICE BATTALION

Lieutenant Colonel V.R. Paddon
Master Corporal R.G. Paddon
Master Corporal E.W. Sculthorpe
Corporal E.V. McGeorge
Corporal J.R. Peters

23rd MEDICAL CO.

Lieutenant Colonel S.E. Birch, Commanding Officer
Master Corporal Raymond Lux
Corporal John Fairweather

Mayor Morrow presented certificates of recognition to two Citizens Committees: the Stinson and Corktown Neighborhood Plan Advisory Committees.

STINSON COMMITTEE

Jordan Abraham; Lois Brown; Lisa Browett; Joanne Cairns; Helen Cozzarin;
Lou Cozzarin; Lauch Harrison; Cheryl Harvey; Brenda Mitchell; Mina Morski;
Helaine Ortmann; Mary Schneider; Dave Staples; Stella Woock.

CORKTOWN COMMITTEE

Robert Charko; Hal Costie; Peggy Costie; Barb Cummings; Cecilia Findlay;
Eyvonne Findlay; Hugh Greenwood; Mike Jerratt; Scott Maltman; Janet
McNaught; Lynn Mitges; Michael Peebles; Marg Randall; Frank Salvatori;
Doris Skorpil

ADOPTION OF MINUTES

The following minutes were adopted as circulated:

- (a) 1998 October 27 (special meeting)
- (b) 1998 October 27 (regular meeting)
- (c) 1998 November 3 (special meeting)

CORRESPONDENCE

- 1. Petition signed by Concession Street B.I.A. businesses respecting free on-street parking policy.

Received.

* * * * *

It was moved by Alderman Kiss and seconded by Alderman Caplan that the Report of the Transport and Environment Committee, the Parks and Recreation Committee, the Planning and Development Committee, and the Finance and Administration Committee, be now considered in Committee of the Whole with Alderman O'Sullivan in the chair.

Recorded vote.

YEAS: Mayor Morrow, Aldermen Kiss, Caplan, Horwath, Corsini, Morelli, Haining, Wilson, Copps, Collins, Eisenberger, Jackson, Charters, Anderson, Kelly, D'Amico, O'Sullivan. -17.

NAYS: -0.

CARRIED.

* * * * *

TRANSPORT AND ENVIRONMENT COMMITTEE – THIRTEENTH REPORT

Section 26 Re: Free On-Street Parking in Downtown Core

It was moved by Alderman Kelly and seconded by Alderman Anderson that Section 26 of the Thirteenth Report of the Transport and Environment Committee for 1998 be amended by adding the following to Sub-section (a) following the word "Jackson" in the second line:

"and all B.I.A.'s in the City of Hamilton"

and further that the estimated lost revenues be amended from "\$61,000" to "\$102,000"

Recorded vote.

YEAS: Mayor Morrow, Aldermen Kiss, Morelli, Haining, Anderson, Kelly. -6.

NAYS: Aldermen Caplan, Horwath, Corsini, Wilson, Copps, Collins, Eisenberger, Jackson, Charters, D'Amico, O'Sullivan. -11. **LOST.**

PARKS AND RECREATION COMMITTEE – ELEVENTH REPORT

Section 10 Re: Licence Agreements, Hamilton Tennis Club and Rosedale Tennis Club

Recorded vote.

YEAS: Aldermen Kiss, Caplan, Horwath, Corsini, Morelli, Haining, Collins, Jackson, Anderson, D'Amico, O'Sullivan. -11.

NAYS: Aldermen Wilson, Copps, Charters, Kelly. -4. **CARRIED.**

* * * * *

Section 13 Re: Hamilton Civic Golf Courses/Ski Hill Food and Beverage Services

Recorded vote:

YEAS: Mayor Morrow, Aldermen Caplan, Horwath, Corsini, Morelli, Haining, Wilson, Copps, Collins, Eisenberger, Jackson, Charters, Anderson, Kelly, D'Amico, O'Sullivan. -16.

NAYS: Alderman Kiss. -1. **CARRIED.**

PLANNING AND DEVELOPMENT COMMITTEE – NINETEENTH REPORT

Section 1 Re: Official Plan Amendment re Parking at 190 Gage Avenue South

It was moved by Alderman Haining and seconded by Alderman Morelli that Section 1 of the Nineteenth Report of the Planning and Development Committee for 1998 be referred back.

CARRIED.

* * * * *

Section 10 Re: Lloyd D. Jackson Square Approval Leasehold Mortgage

Alderman D'Amico declared an interest in this matter as he is an employee of one of the parties involved and took no part in the discussion nor voted on this matter.

FINANCE AND ADMINISTRATION COMMITTEE – TWENTY-FIRST REPORT

Section 3 Re: People's Resolution for a United Canada Proposed by Team Canada for Unity

It was moved by Alderman Jackson and seconded by Alderman Charters that Section 3 of the Twenty-first Report of the Finance and Administration Committee for 1998 be tabled until after the Quebec election.

CARRIED.

* * * * *

Section 6 Re: Lease at 50A Jackson Street West with Hamilton Public Library

Recorded vote.

YEAS: Mayor Morrow, Aldermen Kiss, Caplan, Horwath, Corsini, Morelli, Haining, Wilson, Collins, Eisenberger, Jackson, Charters, Anderson, Kelly, D'Amico, O'Sullivan. -16.

NAYS: Alderman Copps. -1.

CARRIED.

* * * * *

Rule No. 9 Re: Resolution re Location of Federal Correctional Facility in Downtown Hamilton

It was moved by Alderman Horwath and seconded by Alderman Corsini that Rule No. 9 of the Procedural By-law be invoked for this meeting of City Council in order to permit consideration of a resolution respecting locating a Federal Correction Facility in Downtown Hamilton.

CARRIED.

Resolution Re: Location of Federal Correctional Facility in Downtown Hamilton

It was moved by Alderman Horwath and seconded by Alderman Corsini that the following resolution be adopted:

Whereas the Correctional Service of Canada has identified a permanent location for a Hamilton Community Correctional Centre at 126 Main Street East;

And whereas this site is in a high density downtown neighbourhood which is already oversaturated with facilities of a similar nature and is in imminent danger of losing its residential character;

And whereas the location of this facility in this neighbourhood is being opposed by Hamilton's business community as it is detrimental to downtown revitalization;

And whereas the building of a facility on this site will result in a total of 63 offender beds within 7 blocks of each other;

And whereas the site selection process for this facility was seriously flawed as there was no attempt to undertake an active search for land which may be suitable for such a facility, relying solely on an Call for Expressions of Interest, thereby severely restricting its options;

And whereas the Federal government, has the power to reject the recommendations of their Site Selection Committee;

Therefore be it resolved that the Council of the City of Hamilton request the Honourable Andy Scott, Solicitor General of Canada to instruct the Correctional Services of Canada to amend its site selection process, reinstate the Site Selection Committee and direct another search to commence,

And therefore be it further resolved that the Council of the City of Hamilton call on the support of our local Member of Parliament, Stan Keyes, to lend his assistance to the City of Hamilton by supporting this resolution and intervening with the Honourable Solicitor General on our behalf and on behalf of our citizens and business community. **CARRIED.**

It was moved by Alderman Kiss and seconded by Alderman Caplan that the Report of the Committee of the Whole on the Reports of the Transport and Environment Committee, the Parks and Recreation Committee, the Planning and Development Committee, and the Finance and Administration Committee, be adopted. **CARRIED.**

Recorded vote.

YEAS: Mayor Morrow, Aldermen Kiss, Caplan, Horwath, Corsini, Morelli, Haining, Wilson, Copps, Collins, Eisenberger, Jackson, Charters, Anderson, Kelly, D'Amico, O'Sullivan. -17.

NAYS: -0.

CARRIED.

* * * * *

City Council then adjourned at 9:40 o'clock p.m.

* * * * *

Taken as read and approved.

**MAYOR R. M. MORROW
CHAIRMAN**

**J. J. Schatz
Municipal Clerk
1998 November 10
/bc**

REPORT OF THE TRANSPORT AND ENVIRONMENT COMMITTEE

To the Council of the Corporation of the City of Hamilton

Members of Council:

The Transport and Environment Committee presents its **THIRTEENTH** Report for 1998 and respectfully recommends:

1. That the existing "No Parking, 8:00 a.m. to 5:00 p.m. Monday to Friday" regulation on the east side of Hughson Street North commencing 53 feet south of Murray Street and extending to a point 21 feet southerly therefrom, be removed and that the City Traffic By-law No. 89-72 be amended accordingly.
2. That the existing "Permit Parking" regulation on the north side of Montmorency Drive commencing 312 feet west of the extended west curb line of Montmorency Drive and extending to a point 18 feet westerly therefrom be removed, and that the City Traffic By-law No. 89-72 be amended accordingly.
3.
 - (a) That a "Permit Parking" regulation be implemented on the west side of Avondale Street, commencing at a point 25 feet south of Gertrude Street and extending to a point 21 feet southerly therefrom, and that the City Traffic By-law No. 89-72 be amended accordingly; and,
 - (b) That the Commissioner of Public Works and Traffic be authorized to issue one parking permit to Ms. Isabelle Grant, No. 399 Avondale Street.
4. That the existing "School Bus Loading Zone, 7:00 a.m. to 6:00 p.m. Monday to Saturday" regulation on the south side of Bobolink Road commencing at a point 40 feet east of Meadowlark Drive and extending 120 feet easterly be extended a further 70 feet easterly, and that the City Traffic By-law No. 89-72 be amended accordingly.
5. That the existing "Permit Parking" regulation on the east side of Dundurn Street South commencing at a point 139 feet south of South Street and extending to a point 18 feet southerly therefrom be removed, and that the City Traffic By-law No. 89-72 be amended accordingly.

6. (a) That a "Permit Parking" regulation be implemented on the east side of East 24th Street commencing at a point 240 feet south of Crockett Street and extending to a point 26 feet southerly therefrom, and that the City Traffic By-law No. 89-72 be amended accordingly; and,

(b) That the Commissioner of Public Works and Traffic be authorized to issue one parking permit to Mr. Mercanti, No. 81 East 24th Street.
7. (a) That a "Permit Parking" regulation be implemented on the north side of Francis Street commencing at a point 93 feet west of Cheever Street and extending to a point 22 feet westerly therefrom, and on the south side of Francis Street commencing at a point 76 feet west of Cheever Street and extending to a point 18 feet westerly therefrom, and that the City Traffic By-law No. 89-72 be amended accordingly; and,

(b) That the Commissioner of Public Works and Traffic be authorized to issue one parking permit to Mr. Laurina Oliveira, No. 69 Francis Street.
8. (a) That a "Permit Parking" regulation be implemented on the west side of Dundurn Street South commencing at a point 268 feet north of Glenside Avenue and extending to a point 20 feet northerly therefrom, and that the City Traffic By-law No. 89-72 be amended accordingly; and,

(b) That the Commissioner of Public Works and Traffic be authorized to issue one parking permit to Mr. George Vacarchuk, No. 410 Dundurn Street South.
9. That southbound traffic on Mapleridge Drive be required to stop for eastbound and westbound traffic on Acadia Drive, and that the City Traffic By-law No. 89-72 be amended accordingly.
10. That eastbound traffic on Elk Court and westbound traffic on Resolute Drive be required to stop for northbound and southbound traffic on Crerar Drive and that the City Traffic By-law No. 89-72 be amended accordingly.
11. That stop signs be erected on Cumberland Avenue at Prospect Street, Norway Avenue, Holton Avenue and Burris Street, and that the City Traffic By-law No. 89-72 be amended accordingly.

12. That a full-time "Wheelchair Loading Zone" regulation be implemented on the north side of Parkplaza Drive, commencing at a point 151 feet east of Grand Oaks Drive and extending to a point 33 feet easterly therefrom, and that the City Traffic By-law No. 89-72 be amended accordingly.
13. That a "Wheelchair Loading Zone, 7:00 a.m. to 6:00 p.m., Monday to Saturday" regulation be implemented on the south side of Thorner Drive commencing at a point 103 feet west of Deerborn Drive and extending 30 feet westerly therefrom, and that the City Traffic By-law No. 89-72 be amended accordingly.
14. That a "School Bus Loading Zone, 7:00 a.m. to 6:00 p.m., Monday to Saturday" regulation be implemented on the north side of Munroe Street commencing at a point 184 feet east of Wentworth Street North and extending 50 feet easterly, and that the City Traffic By-law No. 89-72 be amended accordingly.
15. (a) That a "School Bus Loading Zone, 8:00 a.m. to 5:00 p.m., Monday to Friday" regulation be implemented on the south side of Central Avenue commencing at a point 40 feet east of Houghton Avenue and extending 30 feet easterly; and,
 - (b) That a "School Bus Loading Zone, 8:00 a.m. to 5:00 p.m., Monday to Friday" regulation be implemented on the west side of Wexford Avenue commencing at a point 210 feet south of Central Avenue and extending 60 feet southerly; and,
 - (c) That the City Traffic By-law No. 89-72 be amended accordingly.
16. That the City Treasurer be directed to close the following Capital Project accounts:

Capital Centre #	Project Description	Authorized Gross Cost	Expended/ Committee To Date	Balance Available	Source of Funding
759649025	Traffic Sign Replacement (1996)	75,000.00	75,000.00	Nil	Res-Cap Projects
759749028	Traffic Sign Replacement (1997)	75,000.00	75,000.00	Nil	Res-Cap Projects
759651021	Traffic Signal Modernization (1996)	74,000.00	74,000.00	Nil	Res-Dev Charges

17. (a) That Woodward Avenue between Barton Street East and Melvin Avenue be designated as a Snow Route; and,
- (b) That the Snow Route designation respecting Bigwin Road between Pritchard Road and Anchor Road be rescinded; and,
- (c) That the City Traffic By-law No. 89-72 be amended accordingly.

18. That the by-law be enacted to authorize construction of local improvements of a concrete sidewalk on the east side of Main Street West along the frontage of No. 1898 Main Street West.

19. That purchase orders be issued for the supply and delivery of highway salt as and when required for the 1998–1999, 1999–2000, 2000–2001 Winter Seasons by the Department of Public Works and Traffic in accordance with specifications issued by purchasing and vendors' tenders and be financed through Stock Materials Account No. CH56197 60999 as follows:

<u>Sifto Canada</u>	<u>1998</u>	<u>1999</u>	<u>2000</u>
Highway Salt - delivered by truck	\$42.25/tonne	\$43.25/tonne	\$44.35/tonne

20. (a) That Municipal Car Park No. 58, No. 1368 Barton Street East, be reopened on a trial basis for four months; and,
- (b) That staff be directed to report back on the financial viability of keeping this municipal car park open on a permanent basis at the end of the four month trial period.

21. That the daily parking rate at Car Park No. 5, south-west corner of King William Street and Walnut Street be increased from \$2 to \$3, and that the Municipal Parking Facilities By-law No. 98-110 be amended accordingly.

22. That the applications to retain inadvertent encroachments at the locations as outlined on Appendix "A", appended hereto, be approved during the pleasure of Council, provided:

- (a) That the owners enter into agreements satisfactory to the City Solicitor and Commissioner of Transportation to indemnify and save the City harmless from all actions, causes of action, interests, claims, demands, costs, damages, expenses and loss; and,

- (b) That the Mayor and City Clerk be authorized to execute the City's standard form of agreement; and,
 - (c) That the first year fees and subsequent annual fees as outlined in Appendix "A" be set for the encroachments.
23. (a) That Section 20 of the Eleventh Report of the Transport and Environment Committee for 1997 adopted by City Council on 1997 October 14th, be amended by deleting the following in Sub-Section (a):
- "Wellington Meadows – Phase 1, Hamilton**
City's Share – Nil, - Owner's Share \$79,185.29"; and,
- (b) That the submitted schedules of works be adopted for inclusion in the Subdivision Agreement with the Owner for the estimated costs of services in
- Wellington Meadows - Phase 1, Hamilton**
City's Share - Nil, - Owner's Share \$ 166,875.68; and,
- (c) That the Mayor and City Clerk be authorized and directed to execute the proposed Subdivision Agreement with the Owner of "Wellington Meadows - Phase 1", Hamilton as well as and any other related documents for this Subdivision subject to the approval of the City Solicitor; and,
 - (d) That the approval of the above-noted clauses be subject to the condition that no work be commenced until the Final Plan and Subdivision Agreement has been registered; and,
 - (e) In the event that the Owner wishes to proceed prior to the registration of the Final Plan and Subdivision Agreement being registered the Owner should be allowed to do so at their own risk provided that the Owner enters into a standard agreement with the City of Hamilton for pre-servicing.
24. (a) That the following City land be incorporated into a pedestrian walkway:
- Parts 1 and 2 Plan 62R-13829
- (b) That the by-law to carry out the incorporation of the said land into the pedestrian walkway be prepared to the satisfaction of the City Solicitor and be enacted by Council; and,
 - (c) That the establishing by-law be submitted to the Regional Municipality of Hamilton-Wentworth; and,

- (d) That the Commissioner of Transportation be authorized and directed to register the by-law.
- 25.
- (a) That, in accordance with the current City Council policy respecting “parking for services in kind”, the request of the Hamilton Bulldogs Hockey Club, to provide two 8-foot dasher boards to promote City sponsored events, 1 full page souvenir program ad for City sponsored events, 6 club seats for 40 home games and public announcement and message centre announcements for City sponsored events (\$15,000 value) in exchange for 48 parking passes (a \$15,250 value consisting of 14 passes for the York Boulevard Parkade, 17 passes for the Bay and Cannon Streets lot, and 17 passes for the Convention Centre parking garage) for the 1998-1999 season, be approved; and,
 - (b)
 - (i) That approval be given to continue the past practice of revenue sharing on a 50/50 basis with the Hamilton Bulldogs Hockey Club for game night parking revenues (for those revenues accrued from 90 minutes prior to game time) for:
 - lot #66 (Bay and Cannon Streets)
 - lot #67 (Queen and Hess Streets)
 - lot #80 (Bay and King Streets); and,
 - (ii) as well as for the estimated number of cars parked at lots #37 (Convention Centre Parking Garage) and #68 (York Parkade) for the purpose of attending the hockey games.
- 26.
- (a) That free on-street parking in the downtown core (500 metered parking spaces in the area bounded by Bay, York/Wilson, Wellington and Jackson) be offered for the month of December 1998, and that the financing required to cover the lost revenues (approximately \$61,000) be found within the Department of Public Works and Traffic operating budget or any budget surplus; and,
 - (b) That should the required funding not be available through the sources indicated in Sub-Section (a), the Finance and Administration Committee be requested to recommend the method of financing; and,
 - (c) That on-street parking in the downtown core be limited to 2 hours from 8:00 a.m. to 6:00 p.m., Monday to Saturday; and,
 - (d) That the City Traffic By-law No. 89-72 be amended accordingly; and,

- (e) That the Regional Council be requested to amend the Regional Traffic By-law R89-038; and,
- (f) That parking be free in Carpark #7 (Main and Ferguson) after 6:00 p.m. and on Saturdays; and,
- (g) That staff report back, after consultation with various stakeholders such as the International Village and Downtown BIAs, with the results of the experiment; and,
- (h) That staff investigate and report back on the additional costs associated with providing free on street parking for the month of December in the downtown area bounded by Queen Street to Wellington Street and Hunter Street to Cannon Street; and,
- (i) That staff investigate and report back on the additional costs and viability of providing free on street parking for the month of December in all Business Improvement Areas.

27. That the following Bills be adopted, signed, sealed and enrolled as By-laws:

- (a) A-74 A By-law to Amend Traffic By-law No. 89-72 to Regulate Traffic
- (b) A-75 A By-law to Amend Traffic By-law No. 89-72 to Regulate Traffic
- (c) A-76 A By-law to Amend Traffic By-law No. 89-72 to Regulate Traffic
- (d) A-77 A By-law to Amend By-law No. 98-110 Respecting the Construction, Maintenance, Operation, Management and Regulation of Municipal Parking Facilities
- (e) A-78 A By-law to Authorize the Construction as a Local Improvement a Concrete Sidewalk on the east side of Main Street West along the frontage of No. 1898 Main Street West
- (f) A-79 A By-law to Incorporate City Land Designated as Parts 1 and 2 on Plan 62R-13829 into a Pedestrian Walkway

Respectfully Submitted,

**ALDERMAN CHAD COLLINS, CHAIRMAN
TRANSPORT AND ENVIRONMENT COMMITTEE**

**Kevin C. Christenson, Secretary
1998 November 2**

Appendix "A" as referred to in
Section 22 of the Thirteenth Report
of the Transport and Environment
Committee for 1998

<u>Location</u>	<u>Municipal Address</u>	<u>Owner</u>	<u>Type of Encroachment</u> <u>Annual Fee</u>	<u>First Year/</u>
West Avenue	15 West Avenue North 4.0' X 15.0' onto street and 8.0' deep	Trillium Funeral Services Corp.	Stairwell encroaching by	\$185/20
Florence Street	29 Florence Street	T.E. Lake 1.21' X 12.0'	Porch encroaching by	\$185/20
Province Street	77 Province Street	D. Poulton 1.26' X 3.0'	Steps encroaching by	\$185/20

REPORT OF THE PARKS AND RECREATION COMMITTEE

To the Council of the Corporation of the City of Hamilton

Members of Council:

The Parks and Recreation Committee presents its **ELEVENTH** Report for 1998 and respectfully recommends:

1. That approval, as required by Section 26 of the Fireworks By-law No. 90-198 and Section 5 of the Parks By-law No. 95-126 as amended, be granted to the City of Hamilton to hold two stationary fireworks displays, each one minute in length, at Commonwealth Square on 1998 December 31st at approximately 8:30 o'clock p.m. and 12:00 o'clock midnight, subject to the Terms and Conditions of the Special Events Guidelines.
2. That permission be granted to the Hamilton Highland Games organizers to use Kay Drage Park from 1999 June 25 to June 27 to host the Hamilton Highland Games subject to the Parks By-law No. 95-126 and the Terms and Conditions of the Special Events Guidelines.
3. That approval be granted to enter into an agreement satisfactory to the City Solicitor, with Ham Sports Inc. (Judy Ham, Owner) to sell banner advertising in Mountain Arena at an annual commission payable to the City of Hamilton of \$100 per banner/year, subject to approval of content, for a term beginning upon execution of the agreement and terminating 2001 September 24.
4.
 - (a) That approval be given to issue a purchase order to Bestco Construction Corporation of Hamilton in the amount of \$75,160 plus applicable GST of \$5,261 to construct the barrier free modifications as stipulated in the contract documents issued by the City for the Hamilton Military Museum; and,
 - (b) That staff, upon the approval of the General Manager, Community Services Division, be authorized to expend \$5,000 plus applicable GST as construction contingency, if deemed required, for the project; and,
 - (c) That these expenditures be funded from Capital Account No. CF809453004 Barrier Free Access, Recreation Buildings.
5.
 - (a) That approval be given to issue a purchase order to Ira McDonald Construction Ltd. of Burlington, Ontario as the General Contractor for the seating and washroom modifications at the Ivor Wynne Stadium, Barrier Free design Modification project. The purchase order amount is \$289,668 plus applicable GST to a total of \$309,945; and,

- (b) That the work be financed from Capital Account No. CF809453005 Barrier Free Access-City Buildings and No. CF809453004, Barrier Free Access Recreation Buildings; and,
 - (c) That a contract satisfactory to the City Solicitor be entered into between the City and the Contractor; and,
 - (d) That the Mayor and the City Clerk be authorized to execute the contract on behalf of the City; and,
 - (e) That staff, upon the approval of the General Manager, Community Services Division, be authorized to expend \$15,000 plus applicable GST as project contingency, if deemed required, for the project.
6. That the retention of the Positively Downtown Program as part of the "Restore the Core" Capital Budget project be considered by Council during the 1999 Capital Budget exercise.
7. That the General Manager of Community Services be authorized to apply to the Hamilton Community Foundation for a grant of up to \$40,000 for the installation of a permanent archaeology exhibit in the Cockpit building at Dundurn for primary special educational purposes.
8. (a) That City Council reaffirm its support for the Zero Tolerance to Violence in Recreation Facilities Policy; and,
- (b) That the General Manager, Community Services Division, be instructed to take no further action on the formation of a third party appeals board; and,
- (c) That staff be authorized to implement marketing strategies, within budget, to increase public awareness and compliance with the Policy; and,
- (d) That the General Manager, Community Services Division, be instructed to commence discussions with minor sports organizations to review the feasibility of establishing a renewed and expanded city-wide sports advisory body that could assume responsibility for, among other things, investigating and reporting to city staff on incidences of violence in city-owned sports facilities and fields.
9. (a) That City Council give final approval to host the 2000 International Children's Games Millenium Festival as a civic event, based on the "Business Plan to host the Year 2000 International Children's Games Millenium Festival" available for viewing in the Office of the Clerk; and,

- (b) That the General Manager, Finance be instructed to make provision in the Ten Year Capital Budget to provide \$150,000 in 1999 and \$150,000 in the year 2000 for a total contribution to the hosting of the Games of \$300,000; and,
 - (c) That the Mayor be authorized to sign an agreement with Her Majesty the Queen in Right of Canada (as represented by the Millenium Board of Canada) in order to receive a Federal contribution in the amount of \$300,000 through the Millenium Bureau of Canada; and,
 - (d) That the 2000 International Children's Games Millenium Festival Committee, as outlined in the Business Plan, be affirmed as a Sub-Committee of the Parks and Recreation Committee; and,
 - (e) That the Festival Committee be authorized to continue negotiations with the Province of Ontario to secure matching funding.
- 10.
- (a) That approval be granted to the General Manager, Community Services Division to enter into Licence Agreements, in a form acceptable to the City Solicitor, with both the Hamilton Tennis Club and Rosedale Tennis Club; and,
 - (b) That each Licence Agreement contain the following terms and conditions:
 - (i) Term commences 1999 January 1 and terminates 2008 December 31; and,
 - (ii) The Club shall pay the cost of the following services or items:
 - (1) Hydro electric power and natural gas
 - (2) Maintenance of tennis court surfaces
 - (3) Cleaning and caretaking of the clubhouse; and,
 - (iii) The Club shall hold free tennis clinics for junior players; and,
 - (iv) The Club should provide 235 hours of daytime tennis court time per year for use of schools or for use by the City for junior players; and,
 - (c) That the City Solicitor be authorized and directed to prepare the necessary documents; and,
 - (d) That the City take no further action to recover the \$100,000 owing under the leaseback arrangement for the "bubble" which was installed at the Rosedale Tennis Club; and,

- (e) That the Finance and Administration Committee be requested to recommend the method of financing the amounts forgiven for utility arrears and amounts owing under the loan/leaseback agreement.

Recorded vote.

YEAS: Aldermen Kiss, Caplan, Horwath, Corsini, Morelli, Haining, Collins, Jackson, Anderson, D'Amico, O'Sullivan. -11.

NAYS: Aldermen Wilson, Copps, Charters, Kelly. -4.

CARRIED.

11. (a) That approval be given in principle, for the Municipal Alcohol Risk Management Policy, available for viewing in the Office of the Clerk subject to consultation with stakeholders; and,
- (b) That the General Manager, Community Services Division be directed to report back to the Parks and Recreation Committee on the results of the consultation and for direction to implement the Policy no later than 1999 January 31st.
12. (a) That the Commissioner of Public Works and Traffic be authorized to apply to the Canada Millennium Partnership Program for a grant for an amount of up to \$2,500,000 for the Hamilton Harbour Waterfront Trail; and,
- (b) That staff be authorized to develop a promotional campaign for the purpose of raising funds for Phase 2 implementation of the Hamilton Harbour Waterfront Trail.
13. (a) That the General Manager, Community Services Division, be authorized to prepare a Request for Proposals to retain a single private partner to provide golf course/ski hill and food and beverage services for the Hamilton Civic Golf Courses/Ski Hill, commencing the 2000 Golf Playing Season for the consideration of the Parks and Recreation Committee; and,
- (b) That the General Manager, Community Services Division be authorized to negotiate a one year contract, with revised terms, with all current private partners for one final year to cover the 1999 Season.

Recorded vote:

YEAS: Mayor Morrow, Aldermen, Caplan, Horwath, Corsini, Morelli, Haining, Wilson, Copps, Collins, Eisenberger, Jackson, Charters, Anderson, Kelly, D'Amico, O'Sullivan. -16.

NAYS: Alderman Kiss. -1.

CARRIED.

14. (a) That the General Manager, Community Services Division be authorized to finalize and issue the Request for Proposals as prepared by the JF Group for a public-private partnership to construct and operate a multi-pad arena/sports complex in the City of Hamilton; and,
 - (b) That the results of this RFP process be reported as per the project timetable to the Parks and Recreation Committee; and,
 - (c) That William Connell Park be designated as the preferred municipally-owned site for the complex, with the understanding that the City is prepared to consider proposals on private lands; and,
 - (d) That staff be authorized to commence a rezoning application, based on the potential proposed use and upon the approval of this recommendation.
-
15. That Alderman Fred Eisenberger be appointed to represent the City of Hamilton on the Hamilton Harbour Remedial Action Plan Forum.

Respectfully Submitted,

**ALDERMAN BERNIE MORELLI, CHAIRMAN
PARKS AND RECREATION COMMITTEE**

**Kevin C. Christenson, Secretary
1998 November 2**

REPORT OF THE PLANNING AND DEVELOPMENT COMMITTEE

To the Council of the Corporation of the City of Hamilton

Members of Council:

The Planning and Development Committee presents its **NINETEENTH** Report for 1998 and respectfully recommends:

1. (a) That approval be given to Official Plan Amendment No.156 to establish a Special Policy Area to permit a parking lot only in conjunction with lands located at 190 Gage Avenue South, on lands known municipally as 227-229 Maplewood Avenue, as shown on the attached map marked as Appendix "A", and the City Solicitor be directed to prepare a By-law of Adoption for submission to the Regional Municipality of Hamilton-Wentworth; and,
- (b) That approval be given to amended Zoning Application 98-25, Taras Shevchenko Home for the Aged, owner, for a change in zoning from "D" (Urban Protected Residential – One and Two Family Dwellings, etc.) District to "G – 3" (Public Parking Lots) District, modified to permit a parking lot on the property located at 227-229 Maplewood Avenue, as shown on the attached maps marked as Appendices "A" and "B", subject to the following:
 - (i) That the subject lands be rezoned from "D" (Urban Protected Residential – One and Two Family Dwellings, etc.) District to "G-3" (Public Parking Lots) District; and,
 - (ii) The "G-3" (Public Parking Lots) District regulations, as contained in Section 13C of Zoning By-law No. 6593, applicable to the subject lands be modified to include the following variances as special provisions:
 - (1) That the subject lands be used only in conjunction with 190 Gage Avenue South; and;
 - (2) That notwithstanding Section 13C. (4) (ii), a planting strip of not less than 1.5 m in width shall be provided and maintained along the northerly and easterly lot lines, except for any area used for driveway access; and,
 - (3) That Section 13C. (2), shall not apply; and,
 - (4) That Section 13C. 4 (ii), shall not apply to the westerly lot line; and,

- (5) That Section 13C. 4 (iii), shall not apply to the northerly and easterly lot lines; and,
- (6) That notwithstanding Section 18A. (26) of Zoning By-law No. 6593, the access driveway shall be within 3.0 m of a residential district; and,
- (iii) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Section S -1417, and the subject lands on Zoning District Map E-34 be notated S -1417; and,
- (iv) That the City Solicitor be directed to prepare a By-law to amend zoning By-law No. 6593 and Zoning District Map E-34, for presentation to City Council; and,
- (v) That this proposed change in zoning will be in conformity with the Official Plan for the Hamilton Planning Area upon approval of Official Plan Amendment No.156 by the Regional Municipality of Hamilton-Wentworth;
- (vi) That the subject lands be redesignated on the Approved Blakeley Neighbourhood Plan from "Single and Double Residential" to "Commercial" upon finalization of the implementing By-law.

REFERRED BACK.

- 2. (a) That approval be given to Official Plan Amendment No.155 to reflect the recent changes to the Ontario Regulations under the Planning Act respecting public notification procedures, on the following basis:
 - (i) Subsection D.9 – Notification and Public Participation Procedure is amended by deleting Policies D.9.1 ii) and iii) and replacing them with the following new policies:
 - D.9.1 ii) Notification of public meeting(s) for the adoption of the Official Plan and Amendments, changes to the Zoning By-law, Plans of Subdivision and Community Improvement Plans will be given to the public at least 17 days prior to the date of the meeting (s) and the notice will be given in accordance with the applicable requirements of the Planning Act regulations.
 - D.9.1. iii) Council decisions will take place a minimum of 17 days from the time the first notification is given, for Planning Act applications/procedures identified in Policy D.9.1. ii).

- D.9.1 iv) Where a notice of public meeting or written notice of an application is required for Planning Act application, other than those identified in Policy D.9.2.ii), notice will be given in accordance with the applicable requirements of the Planning Act.
 - D.9.1. v) Notice of the intention of the passing of an amending by-law to remove a holding symbol will be given in accordance with the applicable requirements of the Planning Act.
 - D.9.1.vi) Notice of the passing of an Interim Control By-law will be given in accordance with the applicable requirements of the Planning Act.; and,
- (ii) That the Director of the Planning and Development Department be directed to prepare a by-law, to the satisfaction of the City Solicitor, for submission to the Region of Hamilton-Wentworth; and,
- (b) That the Council adopted policy regarding sign posting guidelines for Public Notice signs be amended to include the following additional information: date, time and location of the public meeting.
- 3.
 - (a) That the section titled "Maximum Loan", of Appendix "A" to the Downtown Hamilton Community Improvement Plan adopted by By-law 97-140 and subsequently amended by By-law 98-212, that describes the terms of the Hamilton Downtown Convert/Renovate-to-Residential Loan Program, be repealed and replaced with Appendix "C" attached; and,
 - (b) That the amendment to the Downtown Hamilton Community Improvement Plan be submitted to the Ministry of Municipal Affairs and Housing for the appropriate approval; and,
 - (c) That the City Solicitor be authorized to prepare the requisite By-law for (a) above.
- 4. That no action be taken on the request for a demolition permit for 30 Norfolk Street North.
- 5.
 - (a) That the proposed Planning Tariff Fees for planning applications, as contained in Appendix "D" be approved; and,
 - (b) That the City Solicitor be directed to further amend By-law 97-084 to incorporate the new fee structure; and,

- (c) That the Planning and Development Department staff be directed to participate in ongoing liaison with the HHHBA to review total fee charges for the housing industry and other ongoing planning issues and concerns.
6. (a) That approval be granted to application CDM-CONV-98-010 (Regional File 25CDM-98013) submitted by Lapa Investments Ltd., owner, for a draft plan of condominium for property located at No. 893 Concession Street, as shown on the attached Plan marked as Appendix "E", to provide for a condominium comprised of 22 individual apartment condominium units, subject to the following conditions:
- (i) That this approval applies to the attached draft plan dated June 29, 1998 (Appendix "E") prepared by A.J. Clarke and Associates Ltd.; and,
 - (ii) That the owner enter into a Condominium Approval Agreement with the City incorporating these conditions of approval, including financial and other requirements of the City concerning roads, sidewalks, street lights and drainage, as the case may be, in a form satisfactory to the City Solicitor; and,
 - (iii) That prior to approval of the final plan:
 - (1) property taxes shall be in good standing, plan of condominium shall conform with General Zoning By-law No. 6593 and the Official Plan, and,
 - (2) any variances or rezoning required in respect of the draft plan of condominium shall have been approved by the Committee of Adjustment or Council, as the case may be, in order that the draft plan of condominium is in compliance with General Zoning By-law 6593. In particular, and not limited to, a successful application to the Committee of Adjustment is required to address the required parking and loading spaces; and,
- (b) That the City Clerk be directed to advise the Commissioner of the Regional Environment Department of Council's decision.
7. (a) That approval be granted to application CDM-CONV-98-009 (Regional File 25CDM-98012) submitted by Gaspar & Silva Ltd., owner, for a draft plan of condominium for property located at No. 37-57 Mericourt Road, as shown on the attached Plan marked as Appendix "F", to provide for a condominium comprised of 66 individual apartment condominium units, subject to the following conditions:
- (i) That this approval applies to the attached draft plan dated June 25, 1998 (Appendix "F") prepared by Consoli & Jacobs Surveying Limited; and,

- (ii) That the owner enter into a Condominium Approval Agreement with the City incorporating these conditions of approval, including financial and other requirements of the City concerning roads, sidewalks, street lights and drainage, as the case may be, in a form satisfactory to the City Solicitor; and,
 - (iii) That prior to approval of the final plan:
 - (1) property taxes shall be in good standing, plan of condominium shall conform with General Zoning By-law No. 6593 and the Official Plan, and,
 - (2) any variances or rezoning required in respect of the draft plan of condominium shall have been approved by the Committee of Adjustment or Council, as the case may be, in order that the draft plan of condominium is in compliance with General Zoning By-law 6593; and,
 - (b) That the City Clerk be directed to advise the Commissioner of the Regional Environment Department of Council's decision.
8. (a) That approval be granted to application CDM-CONV-98-007 (Regional File 25CDM-98009) submitted by Barton Ellis Holdings Limited (In Trust), owner, for a draft plan of condominium for property located at No. 293 Mohawk Road East, as shown on the attached Plan marked as Appendix "G", to provide for a condominium comprised of 24 individual apartment condominium units, subject to the following conditions:
- (i) That this approval applies to the attached draft plan dated March 24, 1995 (Appendix "G") prepared by Consoli & Jacobs Surveying Ltd.; and,
 - (ii) That the owner enter into a Condominium Approval Agreement with the City incorporating these conditions of approval, including financial and other requirements of the City concerning roads, sidewalks, street lights and drainage, as the case may be, in a form satisfactory to the City Solicitor; and,
 - (iii) That prior to approval of the final plan:
 - (1) property taxes shall be in good standing, plan of condominium shall conform with General Zoning By-law No. 6593 and the Official Plan, and,

- (2) any variances or rezoning required in respect of the draft plan of condominium shall have been approved by the Committee of Adjustment or Council, as the case may be, in order that the draft plan of condominium is in compliance with General Zoning By-law 6593. In particular, and not limited to, compliance in regard to parking space dimensions, manoeuvring spaces and access driveways and, if necessary, obtaining appropriate Committee of Adjustment variances; and,
 - (b) That the City Clerk be directed to advise the Commissioner of the Regional Environment Department of Council's decision.
- 9.
- (a) That Council approve the investigation of settlement options with McMaster University regarding the proposed designation of the University's Historic Core under the Ontario Heritage Act; and,
 - (b) That, for this purpose, Council approve the establishment of a special review committee consisting of the Planning and Development Committee and the Chairman of LACAC to commence negotiations and report back with recommendations to Council; and,
 - (c) That the process begin with discussions at the staff level as suggested by representatives of McMaster University.
10. That approval be granted to the application of Fourth Real Properties Limited, (which holds a ninety-nine year Ground Lease from the City of the portion of Jackson Square known as the Standard Life Building, 120 King Street West), to a new first mortgage of the Ground Lease by our Lessee, as borrower, in favour of Royal Trust Corporation of Canada, Mortgagee, in an amount not exceeding \$56,900,000. at an interest rate not exceeding 7%, for a term of 10 years, subject to the following conditions:
- (a) That the tenant's new leasehold mortgage be subject to the rights of the City as Lessor under the Ground Lease dated 1981 June 1, entered into by the City as Lessor and Fourth Real Properties Limited (formerly Fourth Phase Civic Square Limited) as Lessee; and,
 - (b) That the tenant's new leasehold mortgage be a first mortgage in favour of Royal Trust Corporation of Canada, Trustee for The Standard Life Assurance Company; and,
 - (c) That Royal Trust Corporation of Canada and Fourth Real Properties Limited enter into and deliver to the City:

- (i) the City's Lloyd D. Jackson Square "Consent to Mortgage Agreement", in which the Mortgagee agrees to be bound by the Ground Lease if it were to take over the Lease; and,
 - (ii) an Undertaking to the City to abide by the obligations of Fourth Real Properties Limited under the Hotel Interface Agreement dated 1984 July 30; and,
 - (d) That the Mayor and City Clerk be authorized to execute the City's Consent Agreement in a form satisfactory to the City Solicitor. The Agreement shall be registered by the Lessee on title the premises leased from the City.
- 11. That the Building Commissioner be authorized to deny a demolition permit until a building permit has been issued to replace the subject building at 276 Wellington Street North.
- 12.
 - (a) That approval be given to application CDM-CONV-98-011, Herminio Silva, applicant, to establish a draft plan of condominium, located at No. 29 Sherman Avenue South, as shown on the attached maps marked as Appendices "H" and "I", to provide for a condominium comprised of a total of 23 residential apartment units within the existing four storey building, subject to the following conditions:
 - (i) That this approval applies to the attached draft plan, attached as Appendix "J", as redline revised and dated July 5, 1998 prepared by Consoli & Jacobs Surveying Ltd. and certified by Bryan Jacobs, O.L.S.; showing a total of 23 residential apartment units within an existing four storey building; and,
 - (ii) That the owner enter into a Condominium Approval Agreement with the City incorporating these conditions of approval, including financial and other requirements of the City, concerning roads, sidewalks, street lights and drainage, as the case may be, in a form satisfactory to the City Solicitor; and,
 - (iii) That prior to approval of the final plan:
 - (1) Property taxes shall be in good standing, plan of condominium shall conform with General Zoning By-law 6593 and the Official Plan; and,
 - (2) The applicant/owner shall provide proof to the satisfaction of the City of Hamilton Building Commissioner, that the existing building and lands, including gross floor area, landscaped area, parking area, loading spaces and access driveways, are legally established non-conforming, OR,

Any variances or rezoning required in respect of the draft plan of condominium shall have been approved by the Committee of Adjustment or Council, as the case may be, in order that the draft plan of condominium is in compliance with General Zoning By-law 6593; and,

- (iv) That the owner shall have received the Certificate of Approval from the City of Hamilton pursuant to the Rental Housing Protection Act for the conversion of the rental property to a condominium (Application CD-97-004); and,
 - (v) That the owner shall have satisfied all requirements, financial and otherwise of the Regional Municipality of Hamilton-Wentworth and that the City be advised by the Regional Municipality of Hamilton-Wentworth that this condition has been carried out to its satisfaction. The clearance letter from the Regional Municipality shall include a brief statement for each condition detailing how it has been satisfied and carried out; and,
 - (vi) That the Director of Planning and Development shall have been satisfied that the conditions of approval are fulfilled or provided for as required.
- (b) That the Mayor and the City Clerk be authorized to grant approval by signing the draft plan; and,
 - (c) That the Mayor and City Clerk be authorized to sign the final plan of the condominium once the requirements are completed.
13. (a) That the City of Hamilton provide a release for the current owner of the property known as 105 Cascade Street from the construction covenants to the City as contained in Instrument Numbers AB321337 and AB321337Z registered on 1973 December 28; and,
- (b) That the Mayor and City Clerk be authorized and directed to execute the necessary documents.
14. That a Heritage Permit be approved for alterations to the front entrance stairways and landings of the semi-detached stone house at 109-111 Charles Street located in the MacNab-Charles Heritage Conservation District, as shown on the drawing attached hereto and marked as Appendix "K".
15. That a Heritage Permit be approved for an extension to the front of the rear yard garage at 182 St. Clair Boulevard located in the St. Clair Boulevard Heritage Conservation District, as shown on the drawing attached hereto and marked as Appendix "L".

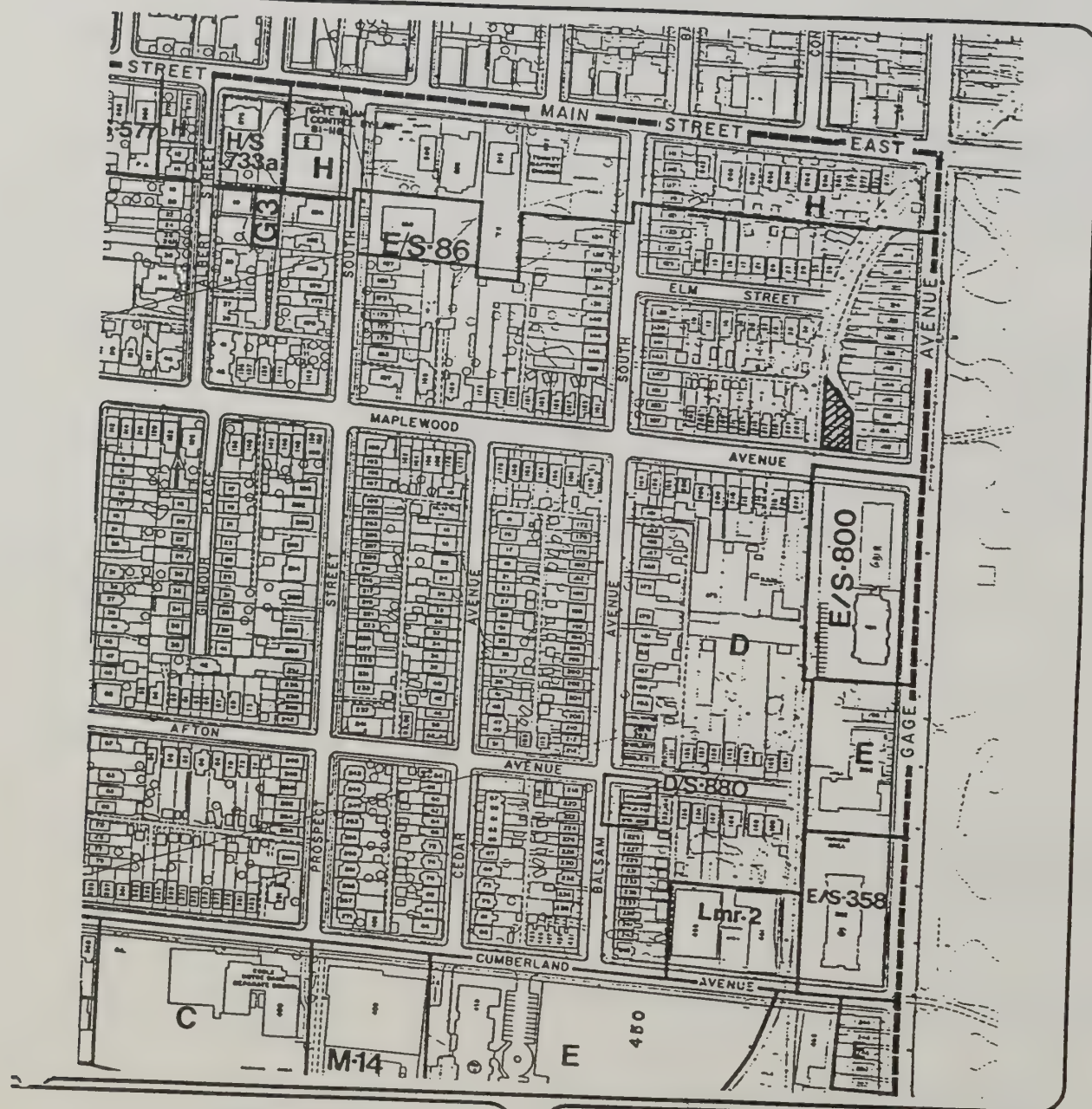
16. That the following Bills be adopted, signed, sealed and enrolled as By-laws:

- (a) C-125 A By-law to Amend Zoning By-law No. 6593 Respecting Land Located at Municipal No. 330 and 342 Dundurn Street South.
- (b) C-126 A By-law to Amend Zoning By-law No. 6593 Respecting Lands Located on the West Side (Bay Side) of Beach Boulevard, in the Beach Neighbourhood.
- (c) C-127 A By-law to Establish Site Plan Control Respecting Lands Located on the West (Bay) Side of Beach Boulevard.
- (d) C-128 A By-law to Adopt Official Plan Amendment No. 155 Respecting Notification and Public Participation Procedures.
- (e) C-129 A By-law to Amend By-law No. 97-084 Respecting Tariff of Planning Fees.

Respectfully submitted,

**ALDERMAN F. D'AMICO
PLANNING AND DEVELOPMENT
COMMITTEE**

**Tina Agnello, Secretary
1998 November 4**



Legend

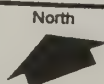


Site of the Application

City of Hamilton

Location Map

Planning and Development Department

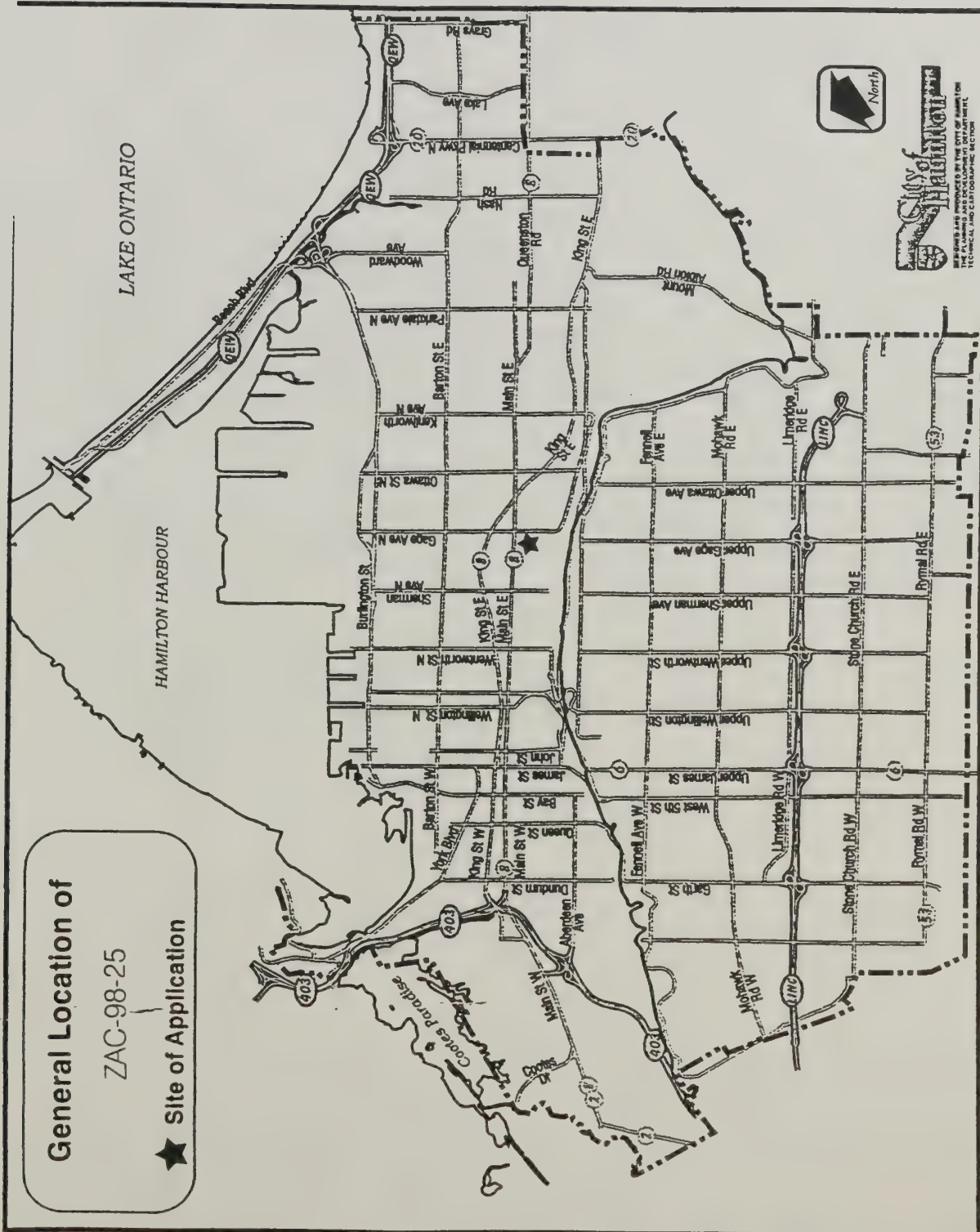


Scale
NOT TO SCALE

Date
June 1998

Reference File number
ZAC-98-25

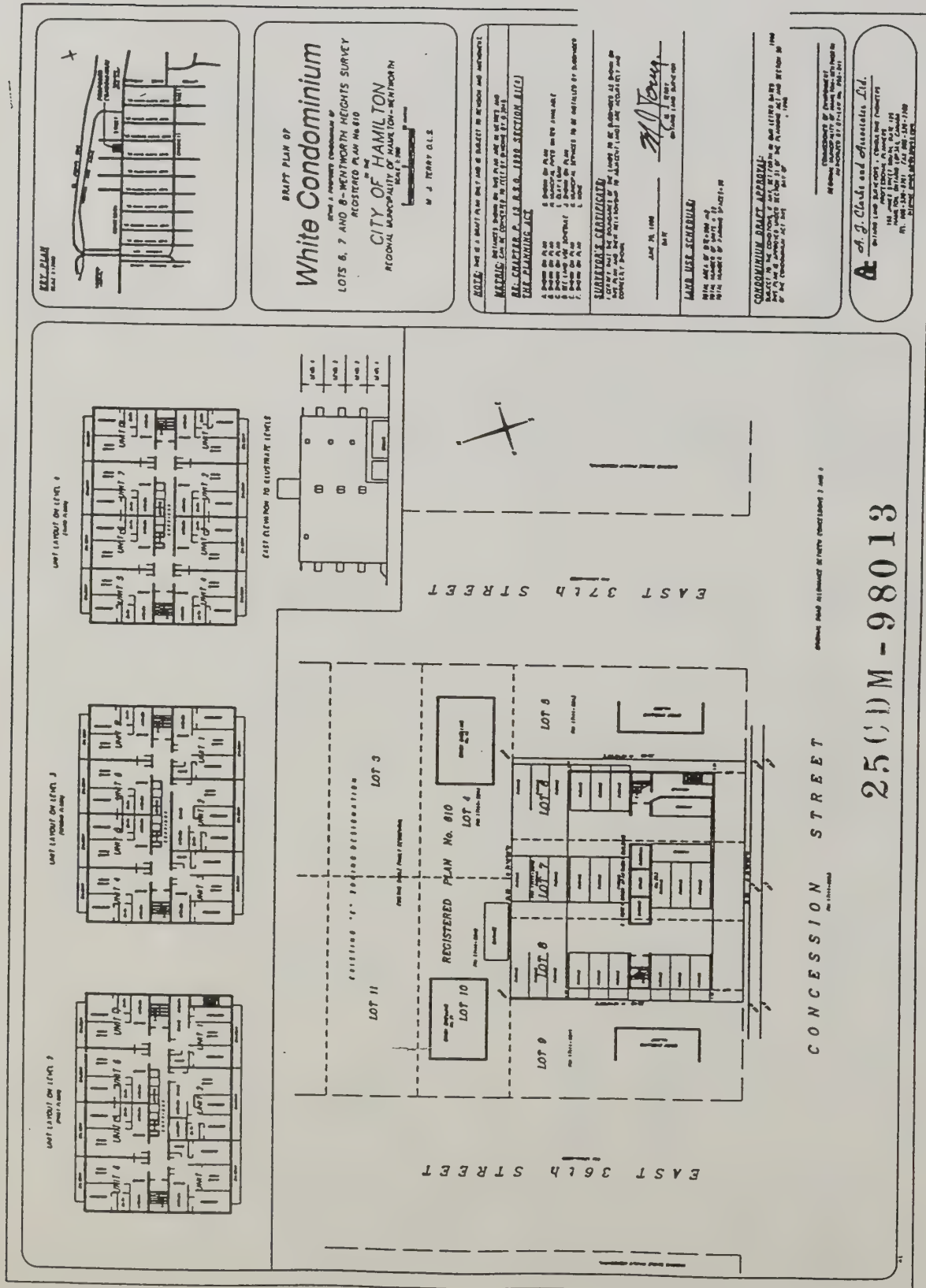
Drawn By
F.A.



MAXIMUM LOAN:

The lesser of cost or \$12,000 per unit maximum for units 600 sq. ft. or less. Unit size in excess of 600 sq. ft., per unit, qualifies for additional assistance at the rate of \$20 per sq. ft. to a maximum of \$20,000. Loans are for a maximum of \$500,000 per deeded property.

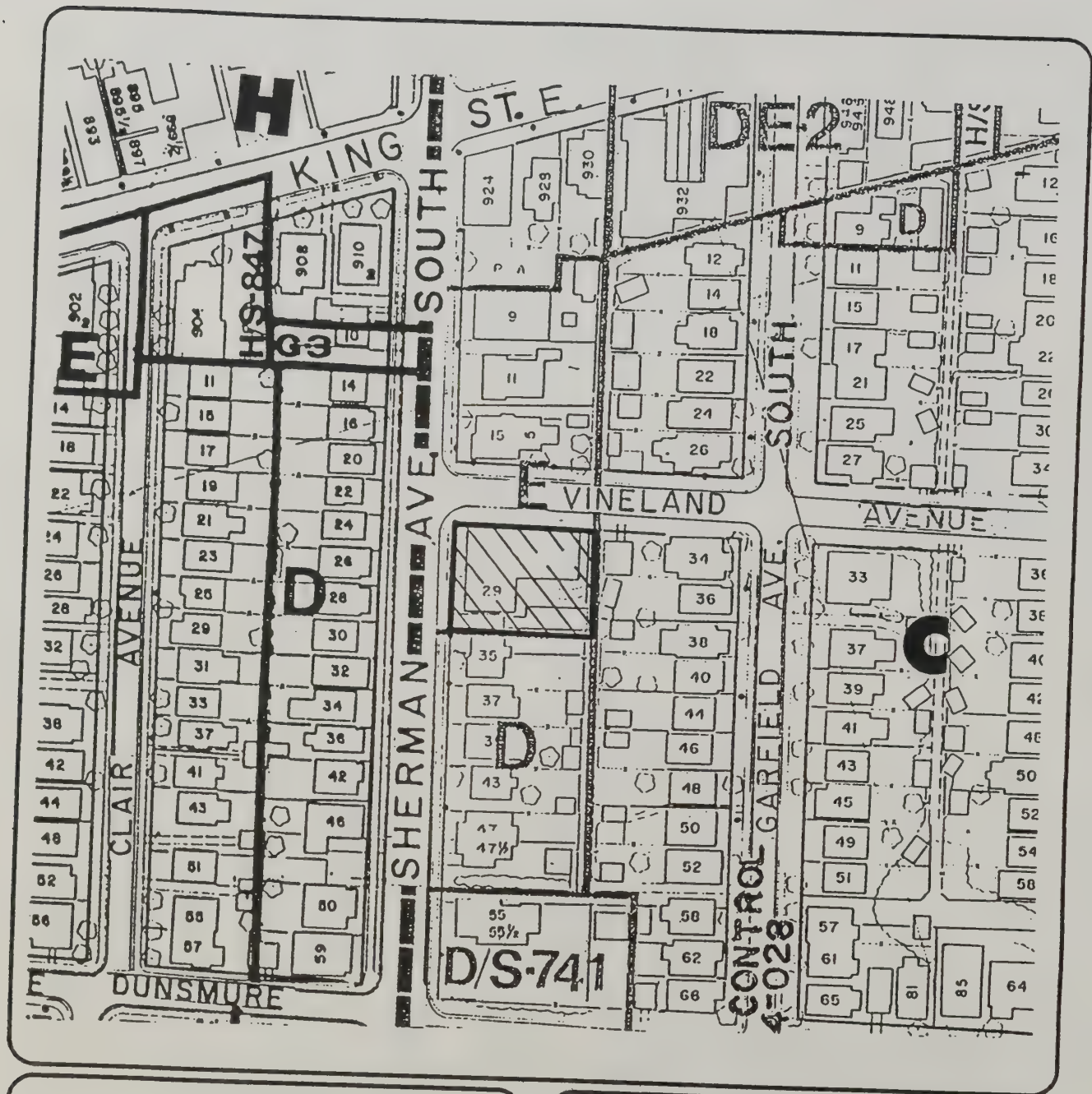
<u>APPLICATIONS</u>	<u>PLANNING FEES</u>					<u>ESTIMATE # OF APPLICATIONS</u>	<u>FEES GENERATED</u>
	<u>CURRENT FEE</u>	<u>CONSULTANT RECOMMENDED FEE</u>	<u>PROPOSED FEE</u>	<u>FEE INCREASE</u>			
1. <u>Rezoning</u>							
• Routine	\$ 900	\$1,300	\$1,200	\$300	10		\$ 12,000
• Complex - Phase I	\$1,165	\$1,680	\$1,500	\$335	30		\$ 45,000
• - Phase II	\$ 635	\$ 915	\$ 800	\$165	20		\$ 16,000
Sub-Total							\$ 73,000
2. <u>Official Plan Amendment</u>							
• Phase I	\$1,165	\$1,950	\$1,500	\$335	10		\$ 15,000
• Phase II	\$ 635	\$1,925	\$ 800	\$165	8		\$ 6,400
Sub-Total							\$ 21,400
3. <u>Site Plan Control</u>							
• Site Plan Applications	\$1,160	\$2,040	\$1,500	\$340	35		\$ 52,500
• Revisions to Plans	\$ 425	n/a	\$ 550	\$125	5		\$ 2,750
• Preliminary Review	\$ 425	n/a	\$ 550	\$125	5		\$ 2,750
• Exemption Requests	\$ 80	n/a	\$ 150	\$ 70	30		\$ 4,500
Sub-Total							\$ 62,500











Legend



Site of the Application

City of Hamilton

Location Map

Planning and Development Department

North

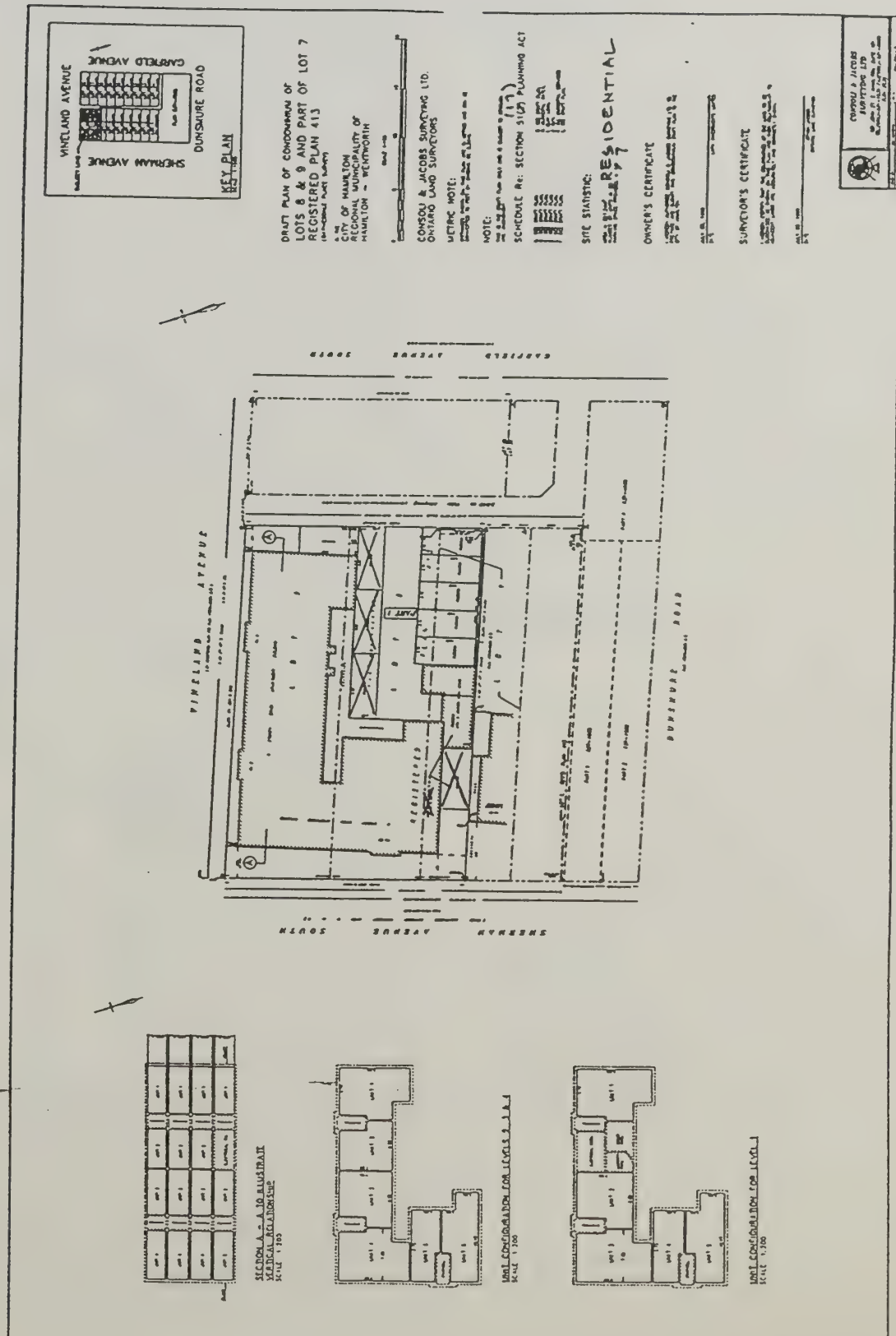


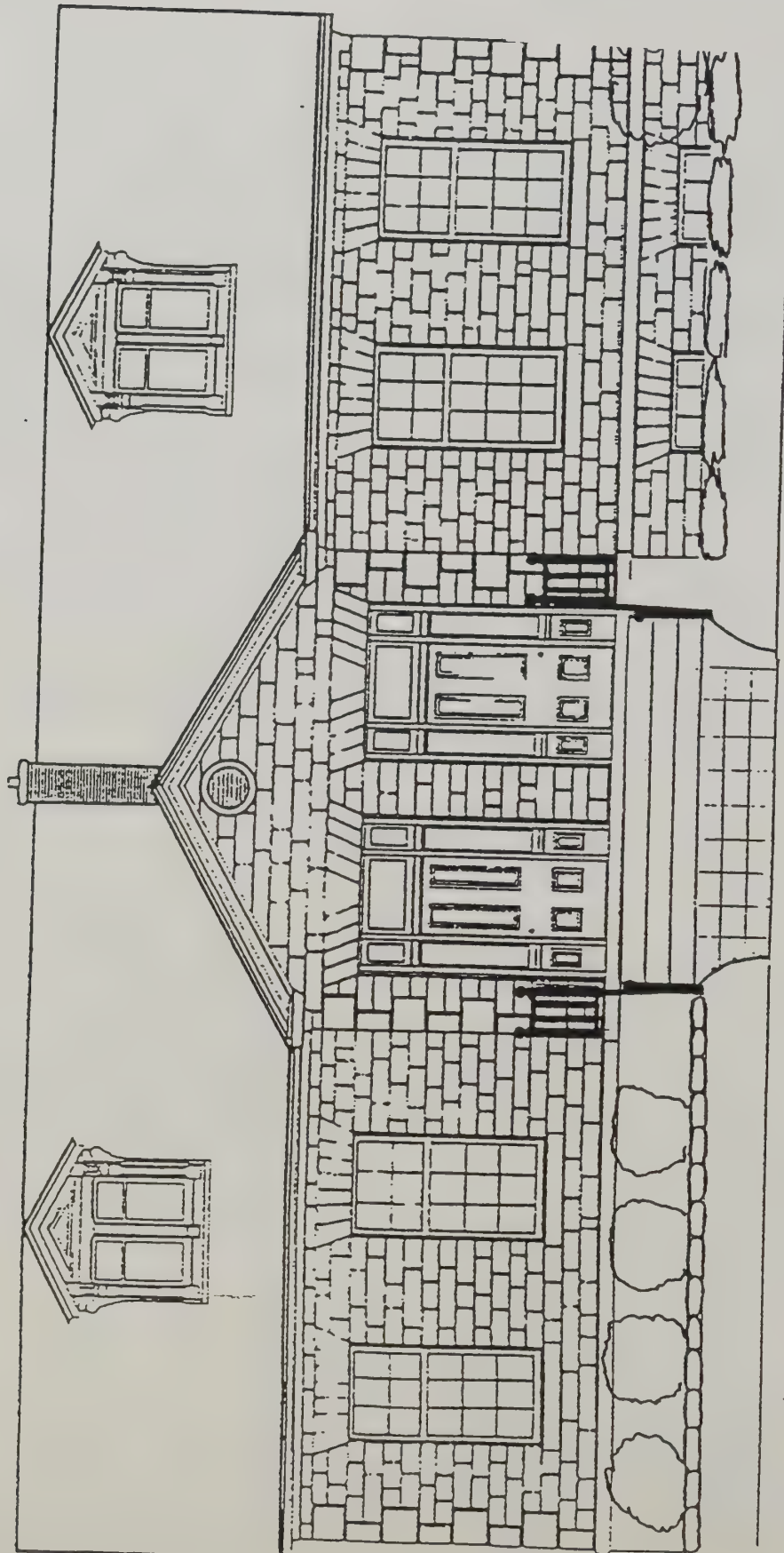
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Reference File No.
COM-CONV-98-011

Date
October, 1998

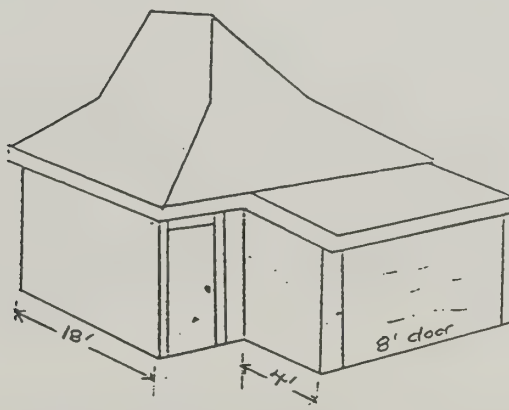
Drawn By
K.E.



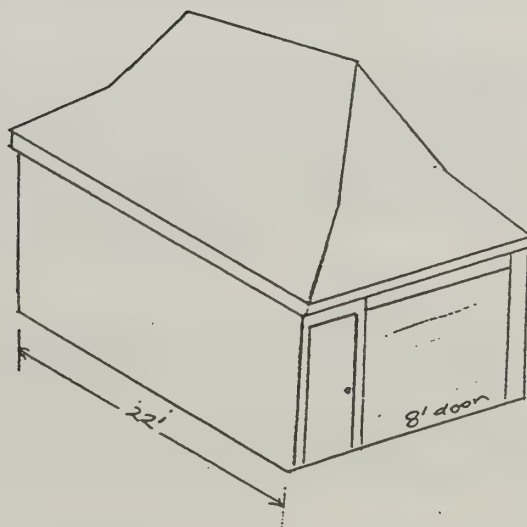


Rear Yard Garage at 182 St. Clair Boulevard
St. Clair Boulevard Heritage Conservation District

EXISTING GARAGE



PROPOSED EXTENSION



NOTES

The original walls are double brick masonry but the existing extension is clad in wood. The new existing and new extensions will be the same double brick construction using reclaimed brick to match and tinted mortar.

The extended roof structure will be re-roofed with new red asphalt shingles to match the house roof.

The garage will have an overhead rolling metal door and the adjacent doorway will have a panelled wood door.

REPORT OF THE FINANCE AND ADMINISTRATION COMMITTEE

To the Council of the Corporation of the City of Hamilton

Members of Council:

The Finance and Administration Committee presents its **TWENTY-FIRST** Report for 1998 and respectfully recommends:

1. (a) That the City be authorized to enter into Extension Agreements, if required, in a form satisfactory to the Solicitor and the General Manager, Finance pursuant to Section 8 of the Municipal Tax Sales Act, with the owners of the following properties to extend the time open for payment of realty tax arrears in accordance with the policy for extension agreements approved by City Council on 1994 June 28:

298 Hughson Street North
4 Manning Court
26 Duncairn Court
- (b) That the by-law to authorize the said Extension Agreements be enacted by Council; and,
- (c) That the Mayor and City Clerk be authorized to execute the aforesaid by-law and extension agreements.
2. (a) That approval be given for a City contribution in the amount of \$1,500 to the Bay Area Restoration Council to assist in the cleaning up of the harbour watershed; and,
- (b) That funding for the 1998 expenditure be financed from Centre CH24201 – Unclassified; and,
- (c) That the Bay Area Restoration Council be advised that any future requests for funding be made through the City's Grants process.
3. That the City of Hamilton endorses the People's Resolution for a United Canada proposed by the Team Canada for Unity as follows:

WHEREAS the City of Hamilton believes that Canada is a country that is second to none, enriched by the presence of the Aboriginal peoples and their cultures, graced with the vitality of the English and French languages and gifted with the diversity of multiculturalism; and,

WHEREAS the City of Hamilton believes that all Canadians are equal and all Canadian provinces have equality of status; and,

WHEREAS the City of Hamilton believes that Canada, with its existing Constitution and Charter of Rights and Freedoms, offers all of its citizens and provinces an equal opportunity to prosper and flourish. The same Constitution has enabled and must continue to enable the Province of Quebec, a fundamental and valued partner of the Canadian confederation, the opportunity to promote and protect its culture, civil law tradition and French language; and,

WHEREAS the City of Hamilton recognizes the English and French languages, Canada's two official languages, as a fundamental and enriching part of our heritage as well as an unequivocally important part of its future and that Canadians and their governments must endeavour, in a spirit of good faith, to ensure the vitality of these two official languages, and,

WHEREAS the City of Hamilton believes that Canadians and their governments must be committed to the protection and promotion of official language minority communities throughout Canada;

NOW THEREFORE BE IT RESOLVED THAT the City of Hamilton, in a spirit of friendship and in the name of unity, proudly adopts this People's Resolution for a United Canada and we hereby urge all Canadian municipalities to join us in this grassroots effort to resolve the issue of Canadian unity;

AND BE IT FURTHER RESOLVED THAT the citizens of Hamilton call upon the Government of Canada (and all Federal Parties) as well as all provincial legislatures/assemblies (and all provincial parties) to join together with municipal governments, the level of government closest to the people, to ensure that all Canadians from all provinces are consulted on the issue of national unity;

AND BE IT FURTHER RESOLVED THAT the citizens of Hamilton call upon the Government of Canada and all provincial legislatures/assemblies to ensure that continuance of a united Canada in accordance with the moral, political, legal and constitutional obligations of our nation, and we demand that the Government of Canada and all provincial legislatures/assemblies ensure that any future constitutional negotiations not lead to the breakup of our country;

AND BE IT FURTHER RESOLVED THAT this resolution be sent to the Prime Minister of Canada and the Minister of Intergovernmental Affairs, and to the Premier of Quebec, Members of the National Assembly, Members of Parliament, all Provincial Legislatures and the Federation of Canadian Municipalities. **TABLED.**

4. (a) That the request for Property Tax relief from the Royal Canadian Legion Branch 58 for 1998 in accordance with the Policy on Tax exemption for Veteran's Associations adopted by City Council 1981 September 29, be approved in the amount of \$12,575.38; and,

- (b) That this exemption be charged to account CH 53319 24102 Property Tax Relief; and,
 - (c) That this exemption reflects the third year of ten years that the policy allows for this exemption and will require applications for future years on a yearly and per need basis.
5. That the 1997 Post Audit Letter containing observations and recommendations concerning the City's accounting systems, procedures and controls and subsequent management action be accepted.
6. (a) That the Corporation of the City of Hamilton enter into a lease at 50A Jackson Street West with the Hamilton Public Library for a five (5) year period commencing 1998 December 1; and,
- (b) That the lease for the above space contain the following terms and conditions:
- (i) Premises: The leased premises are located in the basement of 50A Jackson Street West, and comprises 1,240 square feet (formerly occupied by the Hamilton Press Club) and is to be used as storage space; and,
 - (ii) Term: Five (5) year term commencing on 1998 December 1; and,
 - (iii) Rent: \$6.50 per square foot (net) \$8,060 per annum, \$671 per month; and,
 - (iv) Leasehold Improvements: The Hamilton Public Library will be responsible for all leasehold improvements; and,
- (c) That the Mayor and Clerk be authorized and directed to execute a short term Lease Agreement in a form satisfactory to the Solicitor.

Recorded vote.

YEAS: Mayor Morrow, Aldermen Kiss, Caplan, Horwath, Corsini, Morelli, Haining, Wilson, Collins, Eisenberger, Jackson, Charters, Anderson, Kelly, D'Amico, O'Sullivan. -16.

NAYS: Alderman Copps. -1.

CARRIED.

7.
 - (a) That a purchase order be issued to Almonte Fire Trucks Ltd., Carleton Place, Ontario, in an amount not to exceed \$1,257,936.94 including all applicable taxes, for the supply and delivery of two (2) Triple Combination Pumpers and one (1) Rescue Unit, in accordance with the specifications issued by the Purchasing Division and the vendor's tender. This bid is the lowest acceptable bid received; and,
 - (b) That the Mayor and Clerk be authorized and directed to execute the above mentioned contract in a form satisfactory to the Solicitor; and,
 - (c) That the shortfall of net cost after GST rebate and trade-in/disposal of the vehicles in the amount of \$117,000 (\$1,170 less \$1,053,000 as authorized in the 1998 Capital Budget) be financed by a transfer of funds from Current Budget Account CH 54110 – 48005; and,
 - (d) That the Account Centre CF 489851036 Vehicle/Apparatus Replacement be revised from \$1,053,000 to \$1,170,000 noted above as authorized cost; and,
 - (e) That this expenditure be charged to Capital Account CF 5531 489851036 – Vehicle/Apparatus Replacement.
8.
 - (a) That the City of Hamilton fully supports the stand taken by the School Board on school closures; and,
 - (b) That the City continue to work closely with the School Board on Provincial downloading issues; and,
 - (c) That the Region be requested to support this position.
9. That the City advise the Hamilton Health Sciences Corporation that it supports the Burn Trauma Unit remaining at the Hamilton General Hospital.
10. That Bannatyne & Company provide the City of Hamilton and HECFI with claims adjusting services being the lowest of (4) four tenders received in accordance with the specifications issued by the Purchasing Section, Ref. C16-3198, and to be financed through the Damage Claims Account CH55296 24130.

Hourly Rate	\$50
Office Expense	10%
Mileage/km	\$0.3
Photographs/ea.	\$1

11. That the following Bills be adopted, signed, sealed and enrolled as By-laws:
- (a) D-55 A By-law to Authorize an Extension Agreement for Payment of Realty Tax Arrears
 - (b) D-56 A By-law to Confirm the Proceedings of the Council of The Corporation of the City of Hamilton

Respectfully submitted,

**ALDERMAN D. WILSON, CHAIRMAN
FINANCE AND ADMINISTRATION COMMITTEE**

**Susan K. Reeder
Secretary
1998 November 3**

CAY ON HBL AOS

M21
1998

1998 November 24

**URBAN
MUNICIPAL**

Minutes of Hamilton City Council
Tuesday, November 24, 1998
7:30 o'clock p.m.
Albion Room A, B & C
Hamilton Convention Centre

URBAN MUNICIPAL

DEC 7 1998

GOVERNMENT DOCUMENTS

The Council met:

There were present: Mayor R. Morrow, Chairman; Aldermen M. Kiss, A. Horwath, M. Caplan, R. Corsini, B. Morelli, D. Haining, D. Wilson, G. Copps, C. Collins, F. Eisenberger, T. Jackson, B. Charters, T. Anderson, B. Kelly, F. D'Amico, D. O'Sullivan

Mayor R. M. Morrow called the meeting to order at 7:55 p.m.

Father Ron Synnott, St. Eugene's Parish Council in prayer.

ADOPTION OF MINUTES

The minutes of the meeting held 1998 November 10 were adopted as circulated.

CORRESPONDENCE

1. Letter dated 1998 November 16 from the Hamilton Harbour Commissioners Re: 1997 Annual Report.

Received.

2. Application dated 1998 November 17 from Coopers and Lybrand Limited, Trustee of the Estate of Winfried Daniel Wiens for a modification to the "JJ" (Restricted Light Industrial) District to legalize the existing uses (Rental, Sales, Servicing and Storage of Construction and Industrial Equipment) for 2701 Barton Street East, Hamilton, Ontario.

Received.

3. Information Report dated 1998 November 16 from J. J. Schatz, Municipal Clerk respecting an objection to Zoning By-law 98-263 Re: 649 Upper James Street, Hamilton, Ontario.

Received.

4. Letter dated 1998 November 12 from Mel Lastman, Mayor for Toronto and Jack Layton, Councillor – Don River, (Chair, City Council Strategy Committee for People Without Homes), and Third Vice-President, FCM National Board of Directors Re: Homelessness crisis in Canada.

Referred to the Finance and Administration Committee.

5. Petition not dated with approximately 2,150 signatures Re: New No Smoking By-law.

Referred to the Finance and Administration Committee.

6. Mayor R. M. Morrow reported on issues resulting from the FCM Big City Mayors' Caucus Meeting with respect to Crime Prevention and Drug Treatment; Municipal Rights of Way and Homelessness.

Received.

It was moved by Alderman Kiss and seconded by Alderman Caplan that the Reports of the Planning and Development Committee, the Finance and Administration Committee, and the Nominating Committee, be considered in Committee of the Whole with Alderman O'Sullivan in the chair.

Recorded vote.

YEAS: Mayor Morrow, Aldermen Kiss, Caplan, Horwath, Corsini, Morelli, Haining, Wilson, Copps, Collins, Eisenberger, Jackson, Anderson, Charters, Kelly, D'Amico, O'Sullivan. -17.

NAYS: -0.

CARRIED.

PLANNING AND DEVELOPMENT COMMITTEE – TWENTIETH REPORT

Section 1 Re: Subdivision Application 98-04 – Alfred Massi and Emidio Massi – Stone Church Road West and west of West Fifth

It was moved by Alderman D'Amico and seconded by Alderman Copps that Section 1 of the Twentieth Report of the Planning and Development Committee for 1998 respecting S.A. 98-04 (Regional File No. 25T-98010), and Z.A. 98-34 for lands located south of Stone Church Road West and west of West Fifth Street in the Sheldon Neighbourhood, be referred back.

CARRIED.

* * * * *

**Section 4 A and B Re: Official Plan Amendment No. 156 - 190 Gage Avenue South
Zoning Application 98-25, Taras Shevchenko Home for the Aged.
227 – 229 Maplewood Avenue**

Recorded vote.

YEAS: Mayor Morrow, Aldermen Kiss, Caplan, Horwath, Corsini, Haining, Copps, Wilson, Eisenberger, Collins, Charters, Jackson, Kelly, D'Amico, O'Sullivan. – 15.

NAYS: Alderman Anderson. -1.

CARRIED.

* * * * *

**Section 15 Re: Agreement in Principle between Mohawk College - Zoning By-law 98-130
and Official Plan Amendment No. 147**

Recorded vote.

YEAS: Mayor Morrow, Aldermen Kiss, Caplan, Horwath, Corsini, Morelli, Haining, Wilson, Eisenberger, Collins, Charters, Jackson, Anderson, Kelly, D'Amico, O'Sullivan. –16.

NAYS: Alderman Copps. –1.

CARRIED.

PLANNING AND DEVELOPMENT COMMITTEE – TWENTY-FIRST REPORT

Section 1 Re: Urban Entertainment Centre

Recorded vote.

YEAS: Aldermen Kiss, Caplan, Horwath, Corsini, Morelli, Haining, Wilson, Eisenberger, Collins, Charters, Jackson, Anderson, Kelly, D'Amico, O'Sullivan. –15.

NAYS: Alderman Copps. –1.

CARRIED.

FINANCE AND ADMINISTRATION COMMITTEE – TWENTY-SECOND REPORT

Section 2 Re: Purchasing Policy

Recorded vote.

YEAS: Mayor Morrow, Aldermen Caplan, Horwath, Corsini, Morelli, Haining, Wilson, Eisenberger, Collins, Charters, Jackson, Anderson, Kelly, D'Amico, O'Sullivan. –15.

NAYS: Aldermen Kiss and Copps. –2.

CARRIED.

FINANCE AND ADMINISTRATION COMMITTEE – TWENTY-THIRD REPORT

Rule No. 9 Re: January 1999 Meeting Schedule

It was moved by Alderman Wilson and seconded by Alderman Eisenberger that Rule No. 9 of the City's Procedural By-law be invoked for this meeting of City Council in order to allow consideration of a resolution respecting Committee and Council meetings in 1999 January.

CARRIED.

* * * * *

Section 13 Re: January 1999 Meeting Schedule

It was moved by Alderman Wilson and seconded by Alderman Eisenberger that the following be added as Section 13 of the Twenty-Third Report for 1998 of the Finance and Administration Committee:

13. That Standing Committee meetings scheduled for the week of 1999 January 4th, and the City Council meeting scheduled for Tuesday, 1999 January 12th be cancelled.

Recorded vote.

YEAS: Mayor Morrow, Aldermen Kiss, Caplan, Horwath, Corsini, Morelli, Haining, Wilson, Eisenberger, Collins, Charters, Jackson, Anderson, Kelly, D'Amico, O'Sullivan. –16.

NAYS: Alderman Copps. –1.

CARRIED.

RESOLUTION

Rule No. 9 Re: Rental of Additional Labour and Equipment for Snow Removal

It was moved by Alderman Collins and seconded by Alderman Eisenberger that Rule No. 9 of the City's Procedural By-law No. 95-167 be invoked for this meeting of City Council in order to allow the introduction of a resolution respecting the rental of additional labour and equipment for Snow Removal – 1997/1998 – 1998/1999 – 1999/2000. **CARRIED.**

* * * * *

Re: Rental of Additional Labour and Equipment for Snow Removal

It was moved by Alderman Collins and seconded by Alderman Eisenberger that purchase orders be issued to 2000 April 30, for the rental of additional labour and equipment for snow removal, in accordance with the specifications issued by the Purchasing Division and Vendor's tenders, as noted below, and that this expenditure be financed through the Hired Equipment Clearing Account No. CH56602 60999." **CARRIED.**

Motor Graders c/w Snow Plough & Snow Wing				
Hourly Rate Ceiling Cap		1998-99	1999-2000	
		\$160.00	\$164.00	
Name	Qty.	Rates	1998-99	1999-2000
E. Woytkiw Haulage Ltd.	1		\$160.00	\$164.00
NRG	2		\$160.00	\$164.00
Battaglia Contracting	2		\$160.00	\$164.00

Motor Graders Only				
Hourly Rate Ceiling Cap		1998-99	1999-2000	
		\$148.00	\$152.00	
Name	Qty.	Rates	1998-99	1999-2000
Battaglia Contracting	2		\$148.00	\$152.00
Danbill Equipment	1		\$147.00	\$152.00
Bill Price Grader Rentals	1		\$148.00	\$152.00
DVC Enterprises	1		\$148.00	\$152.00

Rubber Tired Front End Loaders				
Min. 950 Cat or Equiv. c/w Blade				
Hourly Ceiling Cap	1998-99	1999-2000		
	\$135.00	\$138.00		
Name	Qty.	Rates	1998-99	1999-2000
Battaglia Contracting	2		\$135.00	\$138.00

Rubber Tired Articulating Loaders				
min. 950 Cat or Equiv. c/w Blade				
Hourly Ceiling Cap	1998-99	1999-2000		
	\$135.00	\$138.00		
Name	Qty.	Rates	1998-99	1999-2000
T&H Truck Service	1		\$135.00	\$138.00
Battaglia Contracting	2		\$135.00	\$138.00

Rubber Tired 4WD Front End Loaders Min 580K Case c/w Blade				
Hourly Ceiling Cap	1998-99	1999-2000		
	\$75.00	\$77.00		
Name	Qty.	Rates	1998-99	1999-2000
E. Woytkiw Haulage Ltd.	1		\$75.00	\$77.00
Serbula Construction Ltd.	1		\$75.00	\$77.00
Chastney Haulage & Excavating	1		\$75.00	\$77.00
Battaglia Contracting	2		\$75.00	\$77.00

NOMINATING COMMITTEE – SEVENTH REPORT

ACTING MAYOR FOR THE MONTH OF DECEMBER, 1998

It was moved by Alderman Kiss and seconded by Alderman Caplan that Alderman T. Anderson be appointed Acting Mayor for the month of December, 1998. **CARRIED.**

It was moved by Alderman Kiss and seconded by Alderman Caplan that the Report of the Committee of the Whole on the Reports of the Planning and Development Committee, the Finance and Administration Committee, the Nominating Committee, and resolutions, be adopted.

Recorded vote.

YEAS: Mayor Morrow, Aldermen Kiss, Caplan, Horwath, Corsini, Morelli, Haining, Copps, Wilson, Eisenberger, Collins, Charters, Jackson, Anderson, Kelly, D'Amico, O'Sullivan. -17.

NAYS: -0. **CARRIED.**

* * * * *

City Council then adjourned at 8:30 o'clock p.m.

* * * * *

Taken as read and approved.

**MAYOR R. M. MORROW
CHAIRMAN**

**J. J. Schatz
Municipal Clerk
1998 November 24
JJS/dg**

REPORT OF THE PLANNING AND DEVELOPMENT COMMITTEE

To the Council of the Corporation of the City of Hamilton

Members of Council:

The Planning and Development Committee presents its **TWENTIETH** Report for 1998 and respectfully recommends:

- 1.A. (a) That approval be given to Subdivision Application 98-04, (Regional File No. 25T-98010), Alfred Massi and Emidio Massi, owners to establish a draft plan of subdivision "Cornerstone Estates", on lands located south of Stone Church Road West and west of West Fifth Street in the Sheldon Neighbourhood, as shown on the attached map marked as Appendix "A", subject to the following conditions:
- (i) That this approval apply to the plan prepared by Urbex Engineering Limited and certified by Bryon Jacobs, O.L.S., dated August 20, 1998, as revised in red, showing 27 lots for single detached dwellings, 5 blocks to be developed with the abutting lands for single detached dwellings, 1 block for townhouse dwellings, 1 block for road widening purposes, 2 blocks for 0.30 m reserves, and two streets identified as Street "A" and Court "B", attached as Appendix "B"; and,
 - (ii) That Street "A" and Court "B" be named to the satisfaction of the City of Hamilton and the Region of Hamilton-Wentworth; and,
 - (iii) That the owner prepare and submit, to the satisfaction of the Director of Planning and Development a municipal street numbering plan; and,
 - (iv) That the owner shall erect a sign in accordance with Section XI of the Subdivision Agreement prior to the issuance of a final release by the City of Hamilton; and,
 - (v) That the final plan conform with the Zoning By-law approved under the Planning Act; and,
 - (vi) That the owner provide the City of Hamilton with a certified list showing the net lot area and width of each lot and block and the gross area of the subdivision in the final plan; and,
 - (vii) That the Owner make a cash payment in lieu of the conveyance of 5% of the land included in the plan to the City of Hamilton as provided for under Section 51 of the Planning Act; and,

- (viii) That such easements as may be required for utility or drainage purposes be granted to the appropriate authority; and,
- (ix) That the Owner agree to include the following warning clause to be registered on title of all Lots and Blocks within the plan of subdivision, and the owner shall ensure that the warning clause is included in all offers of purchase and sale and reservation agreements to the satisfaction of the Director of Planning and Development and the City Solicitor; and,
- (x) That the final plan be revised to provide for 9m radius transitions into and out of the cul-de-sac bulb on Court "B" to the satisfaction of the Commissioner, Regional Transportation Department; and,
- (xi) That the Owner prepare and implement a tree preservation/restoration plan to the satisfaction of the City Horticulturist, Department of Public Works and Traffic; and,
- (xii) That the Owner be responsible for all costs associated with the removal and/or replacement of any trees within the adjacent road allowance as determined by the City Horticulturist, Department of Public Works and Traffic; and,
- (xiii) That the final plan be revised such that the east-west section adjacent to Lots 10, 11 and 12 must align centreline-to-centreline with Pantano Drive on Registered Plan 62M-827 to the satisfaction of the Manager, Development Division, Regional Environment Department and the Director, Programme and Maintenance Division, Regional Transportation Department; and,
- (xiv) That the final plan be revised to provide for a 0.30 m reserve at the westerly limits of Court "B" to the satisfaction of the Manager, Development Division, Regional Environment Department and the Director, Programme and Maintenance Division, Regional Transportation Department; and,
- (xv) That the applicant prepare and implement an erosion and sediment control plan for the subject property to the satisfaction of the Manager, Development Division, Regional Environment Department and the Hamilton Region Conservation Authority. The approved plan is to include the following:
 - (1) All erosion and sediment control measures shall be installed prior to development and maintained throughout the construction process, until all disturbed areas have been revegetated; and,
 - (2) All erosion and sediment control measures shall be inspected after each rainfall, or alternatively every 14 days, to the satisfaction of the Manager, Development Division, Regional Environment Department and the Hamilton Region Conservation Authority; and,

- (3) Any disturbed area not scheduled for further construction within 45 days shall be provided with a suitable temporary mulch and seed cover within 7 days of the completion of that particular Phase of construction; and,
- (4) All disturbed areas shall be revegetated with permanent cover immediately following completion of construction; and,
- (xvi) That the Owner prepare and implement a stormwater management plan for the subject property to the satisfaction of the Manager, Development Division, Regional Environment Department and the Hamilton Region Conservation Authority. The approved plan shall address stormwater quality and quantity issues and will ensure that current Provincial drainage and stormwater quality guidelines are implemented; and,
- (xvii) That the Owner agree in writing that Blocks 28, 30, 32, 33 and 34 are to be developed in conjunction with the abutting lands; and,
- (xviii) That the Owner dedicate Blocks 35 and 36, being 0.30 m reserves, to the Region of Hamilton-Wentworth; and,
- (xix) That the Owner enter into a subdivision agreement with the City of Hamilton prior to the development of any portion of the subject lands; and,
- (xx) That the Owner agree in writing to satisfy all requirements, financial and otherwise of the City of Hamilton; and,
- (b) That the Subdivision Agreement be entered into by the Corporation of the City of Hamilton and the owner to provide for compliance with the conditions of approval established by the Regional Municipality of Hamilton-Wentworth with respect to this application (SA-98-04/25T-98010), "Cornerstone Estates", proposed draft plan of subdivision and that the City execute the agreement when the said conditions have been met and the City's share of the cost of installing municipal services has been approved by City Council; and,
- (c) That the City Clerk be directed to advise the Director, Development Division, Regional Environment Department of Council's decision; and,

B. That approval be given to Amended Zoning Application 98-34, Alfred Massi and Emidio Massi, owners for changes in zoning from the established "AA" (Agricultural) District to "RT-20" (Townhouse - Maisonette) District (Block "1"), from "AA" (Agricultural) District to "R-4" (Small Lot Single Family) District (Block "2") and from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District (Block "3") for lands located south of Stone Church Road West and west of West Fifth Street in the Sheldon Neighbourhood, as shown on the attached map marked as Appendix "A", on the following basis:

- (a) That Block "1" be rezoned from "AA" (Agricultural) District to "RT-20" (Townhouse - Maisonette) District; and,
- (b) That Block "2" be rezoned from "AA" (Agricultural) District to "R-4" (Small Lot Single Family) District; and,
- (c) That Block "3" be rezoned from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District; and,
- (d) That the Director of Planning and Development be authorized to prepare a by-law to amend Zoning By-law No. 6593 and Zoning District Map W-9C for presentation to City Council; and,
- (e) That the proposed changes in zoning are in conformity with the Official Plan for the Hamilton Planning Area. **REFERRED BACK.**

2. That approval be given to Zoning Application ZAC-98-35, Sunoco, owner, for a further modification to the "HH" (Restricted Community Shopping and Commercial, etc.) District regulations, to permit a convenience store and Country Style Drive Thru (Donuts), in conjunction with the existing service station, on lands located at 615 Mohawk Road West, as shown on the attached map marked as Appendix "C", subject to the following:

- (a) That the "HH" (Restricted Community Shopping and Commercial, etc.) District regulations, as contained in Section 14A of By-law No. 6593, as amended by By-law No. 85-1, applicable to the subject lands, be further modified to include the following variances as special provisions:

- (i) That Section 2.(a)(i) of By-law No. 85-01 be deleted and replaced with the following:

"(i) **COMMERCIAL USES** shall be prohibited except for:

- (a) a self-serve gas station and repair garage;
- (b) a convenience store with a drive-thru donut restaurant having a total maximum gross floor area of 156 m², and only as an accessory use to the self-serve gas station and repair garage;
- (ii) a minimum of five (5) unobstructed vehicle stacked parking spaces within the access driveway to the drive-thru donut restaurant shall be provided and maintained between the entrance to the drive-thru donut restaurant and the menu board;"

- (b) That the amending by-law be added to Section 19B of Zoning By-law No. 6593 as Section S-801a, and the subject lands on Zoning District Map W-27 be notated S-801a; and,
 - (c) That the City Solicitor be directed to prepare a By-law to amend zoning By-law No. 6593 and Zoning District Map W-27, for presentation to City Council; and,
 - (d) The proposed modification in zoning is in conformity with the Official Plan for the Hamilton Planning Area.
3. That approval be given to Zoning Application 98-37, Francesco Agostino, prospective owner, for a change in zoning from "G-3" (Public Parking Lots) District to "D" (Urban Protected Residential – One and Two Family Dwellings, etc.) District modified to permit three (3) single family dwellings on the property located at 11 Cheever Street, as shown on the attached map marked as Appendix "D", subject to the following:
- (a) That the subject lands be rezoned from "G-3" (Public Parking Lots) District to "D" (Urban Protected Residential – One and Two Family Dwellings, etc.) District; and,
 - (b) The "D" (Urban Protected Residential – One and Two Family Dwellings, etc.) District regulations, as contained in Section 10 of Zoning By-law No. 6593, applicable to the subject lands be modified to include the following variances as special provisions:
 - (i) That notwithstanding Section 10. (4) (i), for a single family dwelling a width of at least 7.79 m (25.56') and an area of at least 235.60 m² (2,536.0 S.F.) shall be provided and maintained; and,
 - (ii) That notwithstanding Section 18A. (7b), the finished level of the garage floor shall be a minimum of 0.1 m above grade; and,
 - (c) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Section S-1419, and the subject lands on Zoning District Map E-12 be notated S-1419; and,
 - (d) That the City Solicitor be directed to prepare a By-law to amend zoning By-law No. 6593 and Zoning District Map E-12, for presentation to City Council; and,
 - (e) That this proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area; and,
 - (f) That the subject lands be redesignated on the approved Landsdale Neighbourhood Plan from "Commercial" to "Single and Double Residential" upon finalization of the implementing By-law.

- 4.A. That Official Plan Amendment No. 156 to establish a Special Policy Area to permit a parking lot only in conjunction with lands located at 190 Gage Avenue South, on lands known municipally as 227-229 Maplewood Avenue, as shown on the attached map marked as Appendix "E", be denied; and,
- B. That amended Zoning Application 98-25, Taras Shevchenko Home for the Aged, owner, for a change in zoning from "D" (Urban Protected Residential – One and Two Family Dwellings, etc.) District to "G-3" (Public Parking Lots) District, modified to permit a parking lot on the property located at 227-229 Maplewood Avenue, as shown on the attached maps marked as Appendices "E" and "F", be denied for the following reasons:
- (a) The proposed parking lot is not compatible with the existing residential development in the surrounding area; and,
 - (b) The proposal conflicts with the approved Blakeley Neighbourhood Plan which designates the subject lands "Single and Double" Residential.

Recorded vote on Section 4 A and B.

YEAS: Mayor Morrow, Aldermen Kiss, Caplan, Horwath, Corsini, Haining, Copps, Wilson, Eisenberger, Collins, Charters, Jackson, Kelly, D'Amico, O'Sullivan. – 15.

NAYS: Alderman Anderson. -1.

CARRIED.

5. (a) That approval be granted to application CDM-CONV-98-013 (Regional File 25CDM-98018) submitted by Kate Taylor and Morton Taylor, owner, for a draft plan of condominium for property located at No. 9 Sherman Avenue South, as shown on the attached Plan marked as Appendix "G", to provide for a condominium comprised of 8 individual apartment condominium units, subject to the following conditions:
- (i) That this approval applies to the attached draft plan dated September 2, 1998 (Appendix "G") prepared by A.T. McLaren Limited Ltd.; and,
 - (ii) That the owner enter into a Condominium Approval Agreement with the City incorporating these conditions of approval, including financial and other requirements of the City concerning roads, sidewalks, street lights and drainage, as the case may be, in a form satisfactory to the City Solicitor; and,
 - (iii) That prior to approval of the final plan:
 - (1) property taxes shall be in good standing, plan of condominium shall conform with General Zoning By-law No. 6593 and the Official Plan, and,

- (2) any variances or rezoning required in respect of the draft plan of condominium shall have been approved by the Committee of Adjustment or Council, as the case may be, in order that the draft plan of condominium is in compliance with General Zoning By-law No. 6593, and,
 - (3) the applicant/owner enter into an encroachment agreement with the Regional Municipality of Hamilton-Wentworth in regard to the encroachment of the guard rail onto the Sherman Avenue South road allowance; and,
 - (b) That the City Clerk be directed to advise the Commissioner of the Regional Environment Department of Council's decision.
- 6. That, with regard to the transferral of authority regarding Sewage Systems to the Building Code Act:
 - (i) That the Solicitor, Corporate Services be authorized and directed to amend By-law 93-167, section 6A. (c)(iii) as follows:

“...Column 1 of the Table 8.2.1.5.A., 8.2.1.5.B. and 8.2.1.5.C;...” be changed to “...Column 1 of Table 8.2.1.5., 8.2.1.6.A, 8.2.1.6.B. and 8.2.1.6.C;...”, and;
 - (ii) That the Solicitor, Corporate Services be authorized and directed to amend Schedule “A” of By-law 93-167, section 11.(c) as follows:

“...for lots with existing septic systems.” be changed to “...for lots with existing sewage systems.”.
- 7.
 - (a) That approval be given to amended Part Lot Control Application 98-08, Harp Homes, Inc., to remove part-lot control for Block 21, located in "Eagleview Estates, Phase 1", Registered Plan 62M-829, to permit the subdivision of Block 21 into 2 blocks to be merged with the abutting lands for 2 lots for single detached dwellings, as shown on the attached map marked as Appendix "H"; and,
 - (b) That the Director of Planning and Development be authorized to prepare a By-law to remove part lot control from Block 21, Registered Plan 62M-829, "Eagleview Estates, Phase 1" plan of subdivision, for presentation to City Council; and,
 - (c) That the exempting By-law not be presented to City Council until such time as the following conditions have been satisfied:

- (i) the applicant has prepared and submitted a revise grading plan for Block 21, Plan 62M-829 to the satisfaction of the Manager, Development Engineering Section, Regional Environment Department; and,
 - (ii) the applicant has made a cash payment in lieu of lands to be dedicated for park purposes to the City of Hamilton to the satisfaction of the Manager, Development Engineering Section, Regional Environment Department; and,
 - (iii) the applicant has dedicated a 0.30 m reserve along Upper Sherman Avenue to the Region of Hamilton-Wentworth to the satisfaction of the Manager, Development Engineering Section, Regional Environment Department; and,
 - (iv) the By-law for a change in zoning for the subject lands has been finalized to the satisfaction of the Director of Planning and Development; and,
 - (d) That the exempting By-law be restricted to a 1 year effective time period to expire on December 1, 1999; and,
 - (e) That following the enactment of this By-law, the Commissioner, Regional Environment Department (as delegate of the Minister of Municipal Affairs and Housing) be requested to grant approval to the By-law and endorse the same on the By-law.
8. (a) That approval be given to Part Lot Control Application 98-09, 200 Rymal Road Inc., owner, to remove part-lot control for Lots 1 – 13, inclusive and Lots 15 – 22, inclusive, located in "Allison Estates, Phase 5", Registered Plan 62M-853, known municipally as 26 – 78 Piano Drive, inclusive, and 30 – 58 Meadowpoint Drive, inclusive, for the purpose of establishing maintenance easements, as shown on the attached map marked as Appendix "I"; and,
- (b) That the appropriate By-law, to remove part lot control from Lots 1 – 13, inclusive and Lots 15 – 22, inclusive, located in "Allison Estates, Phase 5", Registered Plan 62M-853, be enacted by Council; and,
- (c) That the exempting By-law be restricted to a 1 year effective time period to expire on December 1, 1999; and,
- (d) That following the enactment of this By-law, the Commissioner, Regional Environment Department (as delegate of the Minister of Municipal Affairs and Housing) be requested to grant approval to the By-law and endorse the same on the By-law.

9. That the Building Commissioner be authorized to issue a demolition permit for 1016 Upper Paradise Road in accordance with By-Law 74-290 pursuant to Section 33 of The Planning Act, as amended.
10. That the Building Commissioner be authorized to issue a demolition permit for 1088 Upper Paradise Road in accordance with By-Law 74-290 pursuant to Section 33 of The Planning Act, as amended.
11.
 - (a) That Item Number 10 of the 8th Report of the Planning and Development Committee, adopted by City Council on Tuesday, 1998 April 28, for the approval of the cash payment in lieu of 5% parkland dedication for "Wellington Meadows – Apse 1" be rescinded and replaced with item (b) below:
 - (b) That the City of Hamilton accept the sum of \$27,500 in connection with "Wellington Meadows – Phase 1", Hamilton, as the cash payment in lieu of the 5% land dedication required under Section 51.1 of the Planning Act.
12. That Corporate Counsel be authorized to retain an independent planning consultant to assist the City in replying to the appeals of the Hamilton Harbour Commissioners with respect to the official plan designation and zoning of Windermere Basin.
13.
 - (a) That Corporate Counsel and City Staff seek to adjourn the Ontario Municipal Board Hearing scheduled to commence 1999 January 18 concerning the Official Plan Designation and Zoning for Windermere Basin; and,
 - (b) That Corporate Counsel arrange for representation of the Building Commissioner, L.C. King, in Ontario Court (General Division) Action No. 5638/98, through the use of in-house counsel, or, if in the opinion of Corporate Counsel, the positions of the Building Commissioner and the City diverge, through the use of outside counsel; and,
 - (c) That the City Treasurer recommend to the Finance and Administration Committee, a source of funding for independent legal representation of the City Building Commissioner in the event that Corporate counsel determines that this is necessary; and,
 - (d) That Corporate Counsel report back to the Committee with alternative approaches for the City given the current and evolving position of the Hamilton Harbour Commissioners.

14. (a) That approval be given to Official Plan Amendment No. 157, attached as Appendix "J", to redesignate Windermere Basin from "Special Policy Area: Windermere Basin" to "Open Space" and "Open Water" on Schedule 'A' - Land Use Concept of the Official Plan, to add a new Policy to Subsection A.2.5 - Open Water, and delete Policy A.2.9.3.2 and replace it with a new policy. The Director of Planning and Development be directed to prepare the By-law of Adoption for submission to the Regional Municipality of Hamilton-Wentworth; and,
- (b) That the appropriate By-law be enacted to approve CI-98-C to rezone Windermere Basin from "L-s" (Planned Development - Special Study) District to "A" - 'H' (Conservation, Open Space and Recreation - Holding) District, modified (Block "1", "2" and "3") to permit the development for open space, recreation and limited tourism related uses, and to "F-2" (Open Water) District (Block "4") to recognize the open water area, for the land area east and west of Windermere Basin, on the following basis:
 - (i) That the amending By-law apply the holding provisions of Section 36(1) of the Planning Act, R.S.O. 1990, to Block "1", "2" and "3" by introducing the holding symbol 'H' as a suffix to the proposed Zoning District. The holding provision will prohibit the development of the subject lands until such time as:
 - (1) the owner submits a signed Record of Site condition (RSC) to the Region and the Ministry of Environment (MOE), to the satisfaction of the Region, including an acknowledgement of receipt of the RSC by the MOE; and,
 - (2) the owner submits an Environmental Impact Statement to the satisfaction of the Commissioner of Regional Environmental Services to evaluate the impacts of the specific proposals on the existing Environmentally Significant Areas and determine impacts of encouraging habitat given present soil and water quality concerns; and,
 - (3) the owner prepares and submits a stormwater management plan to the satisfaction of the Commissioner of Regional Environmental Services and the Hamilton Region Conservation Authority; and,

City Council may remove the 'H' symbol, and thereby give effect to the rezoning as stipulated in this By-law, by enactment of an amending By-law once the conditions are fulfilled; and,
 - (ii) That Block "1", "2" and "3" be rezoned from "L-s" (Planned Development - Special Study Area) District to "A" - 'H' (Conservation, Open Space, Park and Recreation - Holding) District; and,

- (iii) That the "A" (Conservation, Open Space, Park and Recreation) District regulation, as contained in Section 7 of Zoning By-law No. 6593, applicable to Block "1", "2" and "3" be modified to include the following variance as a special requirement:
 - (a) That notwithstanding Section 7(1) of Zoning By-law No. 6593, the following uses shall also be permitted:
 - (i) visitor centre, museum, trail centre, and information centre,
 - (ii) accessory uses:
 - 1. accessory buildings, structure or uses,
 - 2. refreshment stand,
 - (iii) business identification sign that are ground signs or wall signs of an occupancy or use of land on which the sign is situated; and,
 - (b) Every sign shall conform to the following requirements:
 - (i) no sign shall exceed 2.0 m in vertical dimension; and,
 - (ii) the total aggregate area of all signs shall not exceed 0.5 square metres for every 0.5 m of frontage on which the lot abuts; and,
 - (iii) every wall sign shall be parallel to the wall to which it is affixed, and,
 - (iv) no sign shall be illuminated unless the source of light is steady and suitably shielded to contain illumination; and,
 - (c) Clauses (iii), (iv) and (v) of Section 7.(1) of Zoning By-law No. 6593 shall not apply; and,
- (iv) That Block "4" be rezoned from "L-s" (Planned Development - Special Study Area) District to "F-2" (Open Space - Harbour) District; and,
- (v) The amending By-law be added to Section 19B of Zoning By-law No. 6593 as Section S-1418, and that the subject lands on Zoning District Map be notated S- 1418; and,
- (vi) That the Director of Planning and Development be directed to prepare a By-law to amend Zoning District Map E-70, E-80, E-80a, E-80b, and E-80c for presentation to City Council; and,

- (vii) That the proposed changes and modification in zoning will be conformity with the Official Plan for the City of Hamilton upon approval of Official Plan Amendment No. 157 the Regional Municipality of Hamilton-Wentworth; and,
 - (c) That Schedule "B" to the Site Plan Control By-law No. 79-275, as amended by By-law No. 98-173, be further amended by adding Blocks "1", "2", "3" and "4", and that the Director of Planning and Development be directed to prepare a Site Plan control By-law for presentation to City Council.
15. That City Council endorse the Agreement in Principle between Mohawk College as zoning proponent and Brian Morison, Thomas Van Zuiden and Lorna Disher as appellants with respect to Zoning By-law No. 98-130 and Official Plan Amendment No. 147.

Recorded vote.

YEAS: Mayor Morrow, Aldermen Kiss, Caplan, Horwath, Corsini, Morelli, Haining, Wilson, Eisenberger, Collins, Charters, Jackson, Anderson, Kelly, D'Amico, O'Sullivan. -16.

NAYS: Alderman Copps. -1.

CARRIED.

16. That the following Bills be adopted, signed, sealed and enrolled as By-laws:

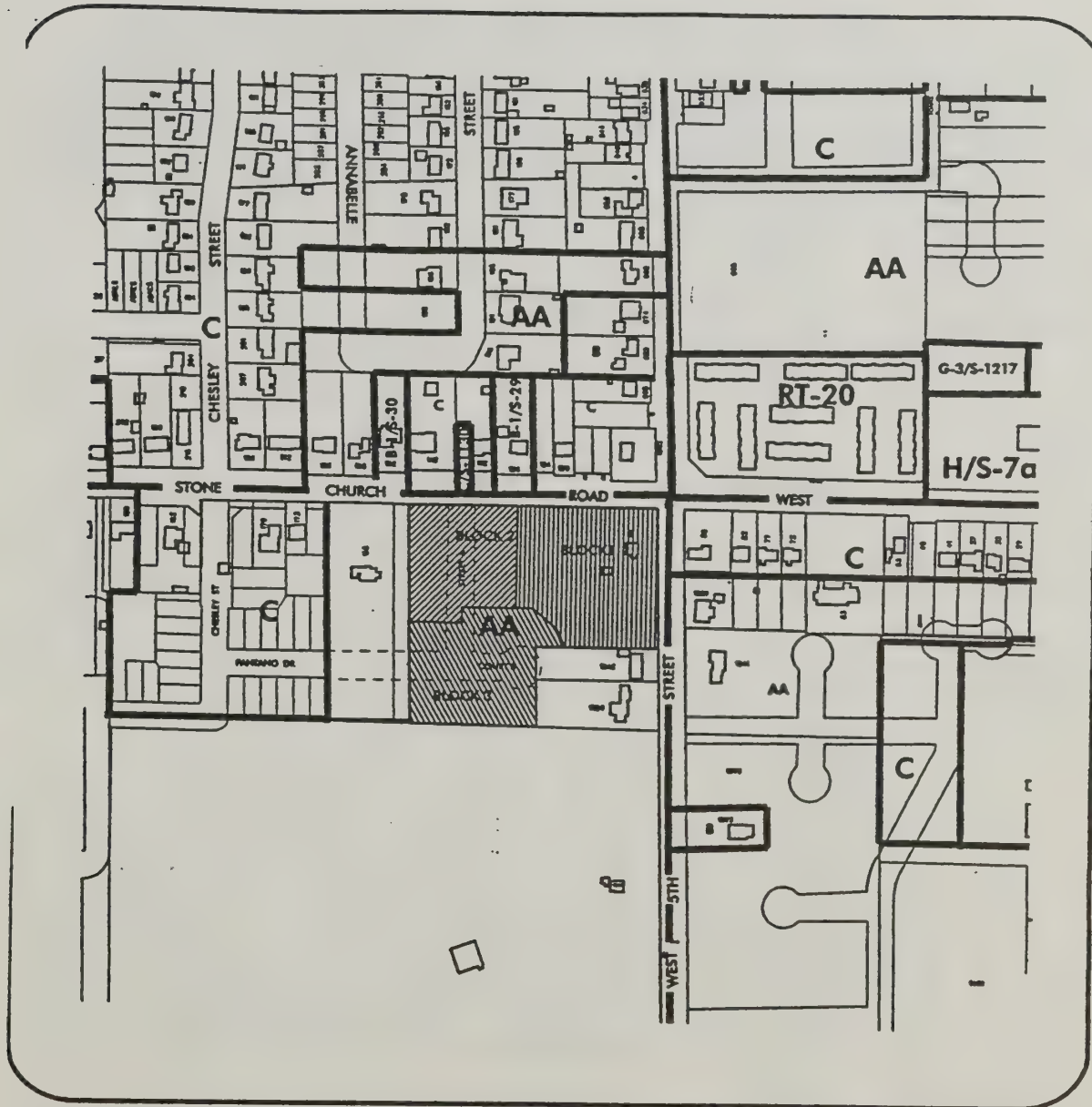
- (a) C-130 A By-law to Amend By-law No. 97-140 Respecting the Downtown Hamilton Community Improvement Plan.
- (b) C-131 A By-law to Amend Zoning By-law No. 6593 Respecting Lands Located East of Upper Sherman Avenue, West of Eaglewood Drive, North of Dalia Avenue and Located at the Rear of 1465 Upper Sherman Avenue.
- (c) C-132 A By-law to Amend Zoning By-law No. 6593 Respecting Lands Located North of Stone Church Road East and West of the Future Extension of Distin Drive.
- (d) C-133 A By-law to Remove Land Within the "Allison Estates, Phase 5" Subdivision, Plan 62M-853 from Part Lot Control.
- (e) C-134 A By-law to Adopt Official Plan Amendment No. 152 Respecting Lands Located at 2434 Barton Street East Within the Kentley Neighbourhood.
- (f) C-135 A By-law to Adopt Official Plan Amendment No. 157 Respecting Lands and Water Located West of Eastport Drive and South of Pier 25 (Windermere Basin).

- (g) C-136 A By-law to Amend Zoning By-law No. 6593 Respecting Lands Located West of Eastport Drive, South of Pier 25 Known as Windermere Basin.
- (h) C-137 A By-law to Establish Site Plan Control Respecting Land Located West of Eastport Drive, South of Pier 25, Known as Windermere Basin.

Respectfully submitted,

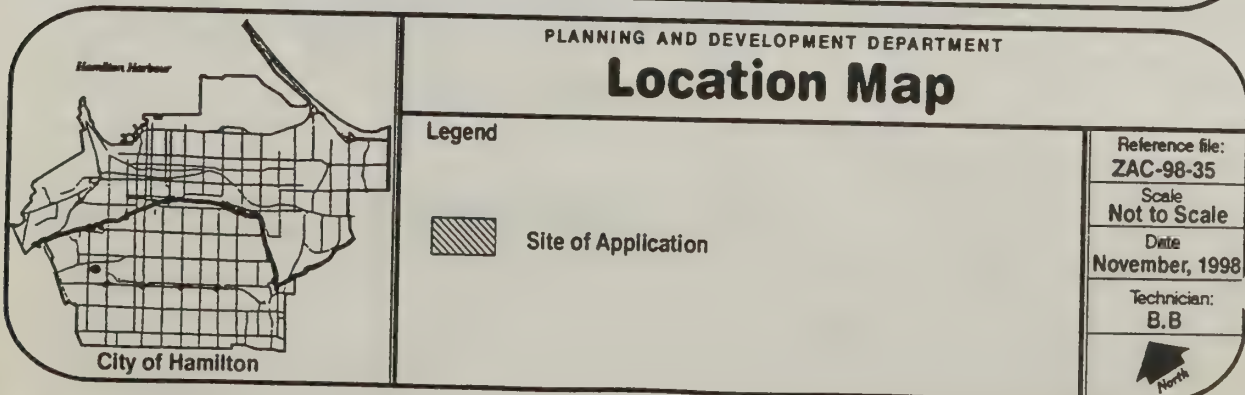
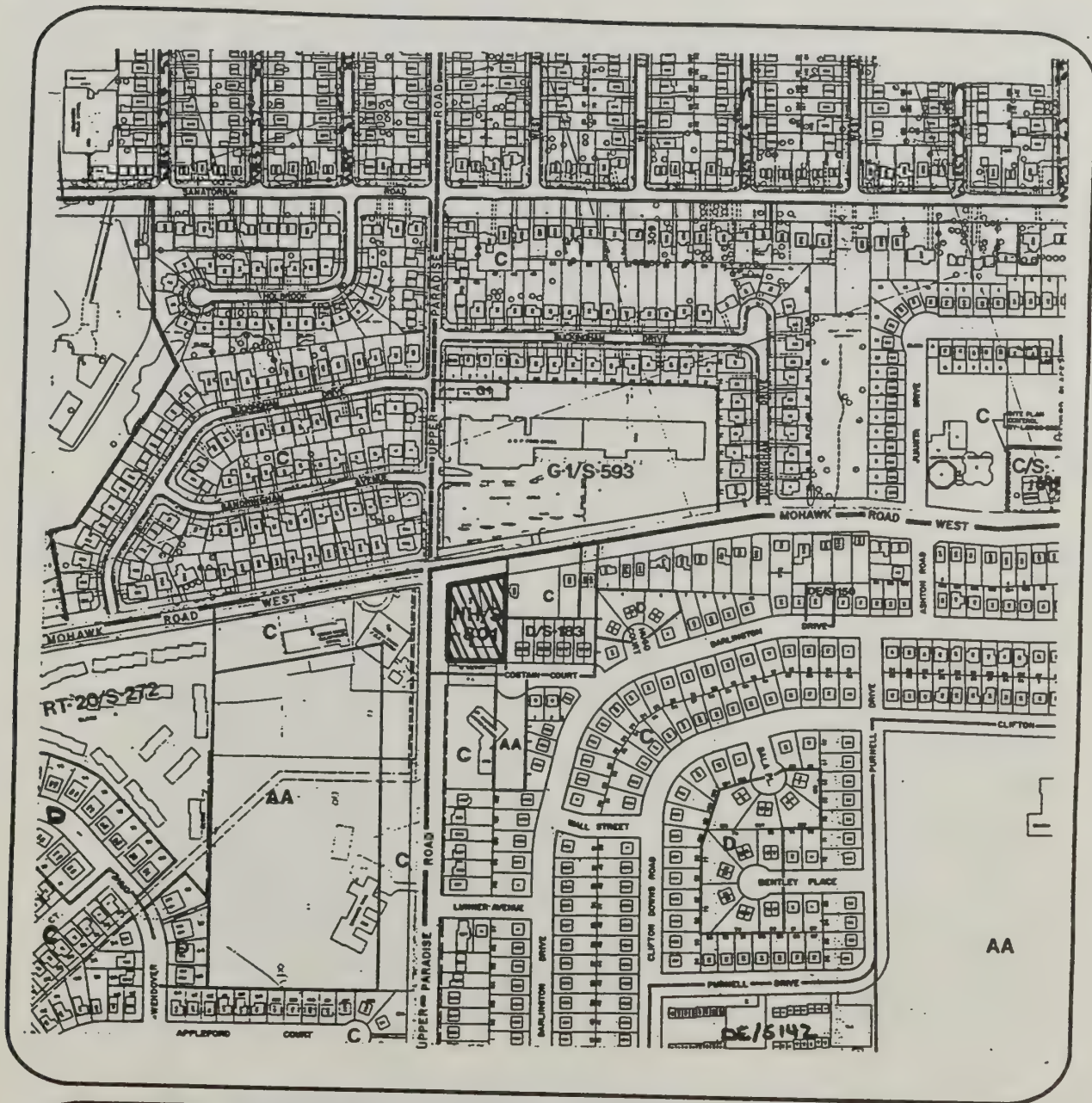
**ALDERMAN F. D'AMICO
PLANNING AND DEVELOPMENT
COMMITTEE**

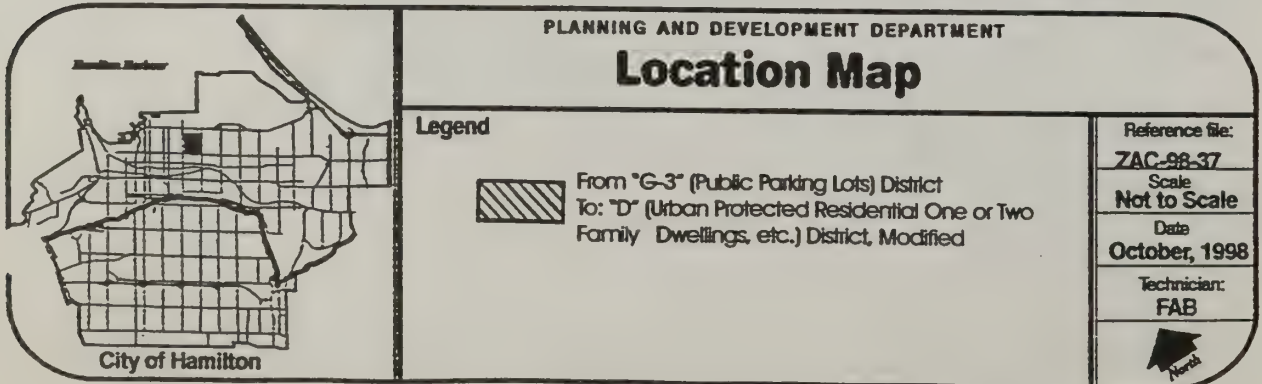
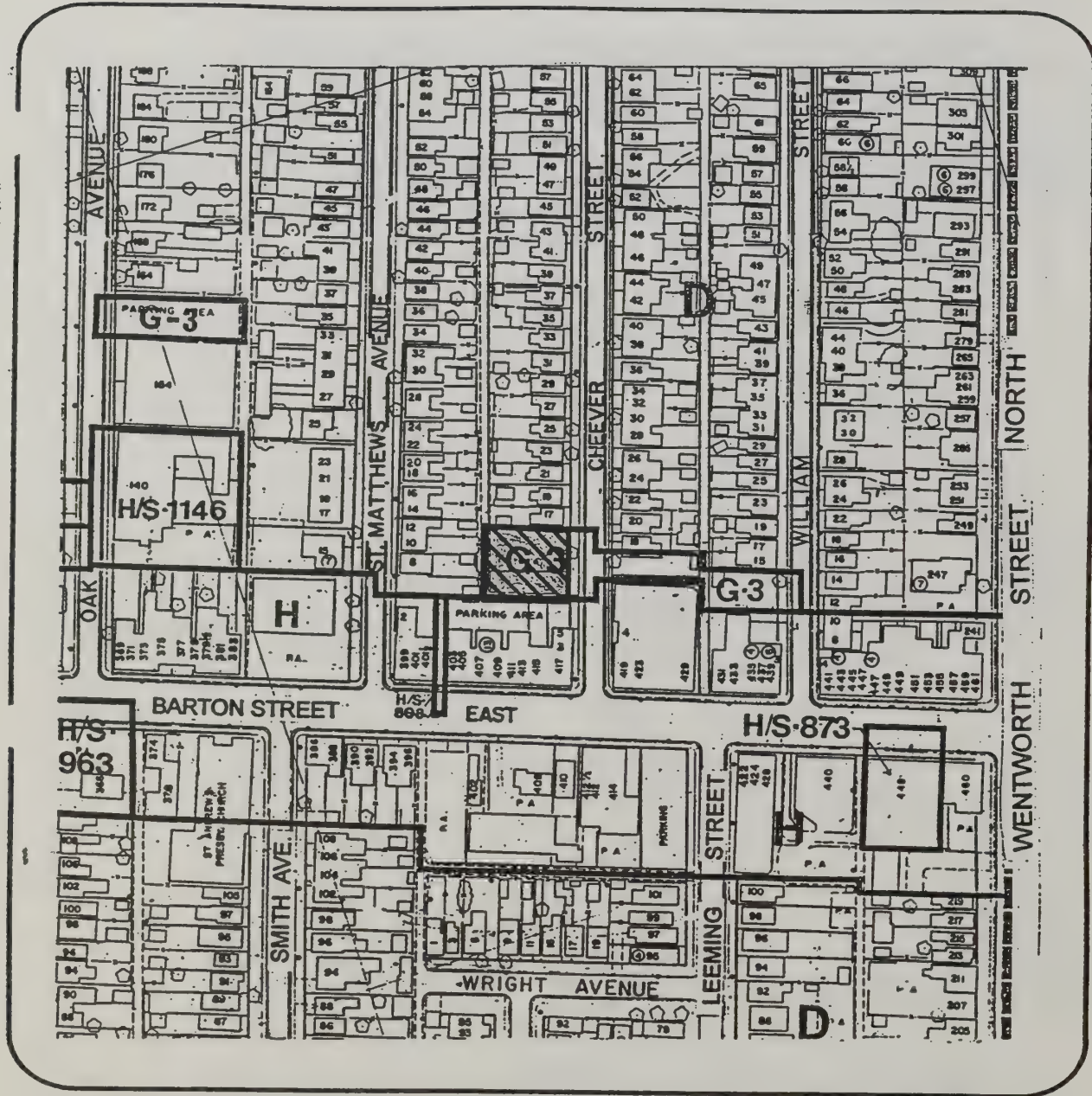
**Tina Agnello, Secretary
1998 November 18**

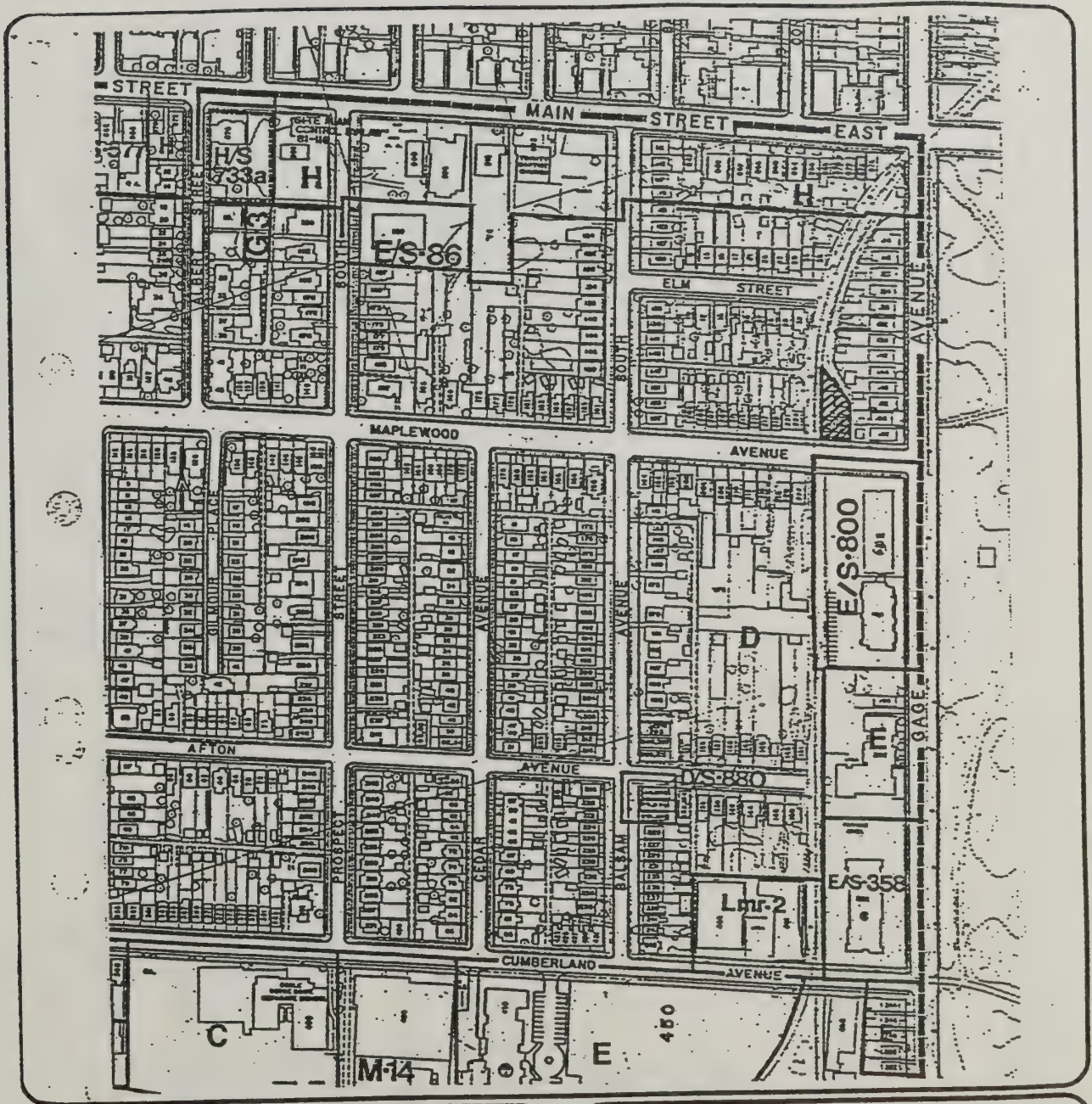


PLANNING AND DEVELOPMENT DEPARTMENT		
Location Map		
City of Hamilton	Legend From "AA" (Agricultural) to "RT-20" (Townhouse Masonette) District From "AA" (Agricultural) to "R-4" (Small Lot Single Family) District From "AA" (Agricultural) to "C" (Urban Protected Residential, etc.) District	Reference file: ZAC-98-34 Scale Not to Scale Date October, 1998 Technician: J.Sims









Legend

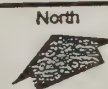


Site of the Application

City of Hamilton

Location Map

Planning and Development Department

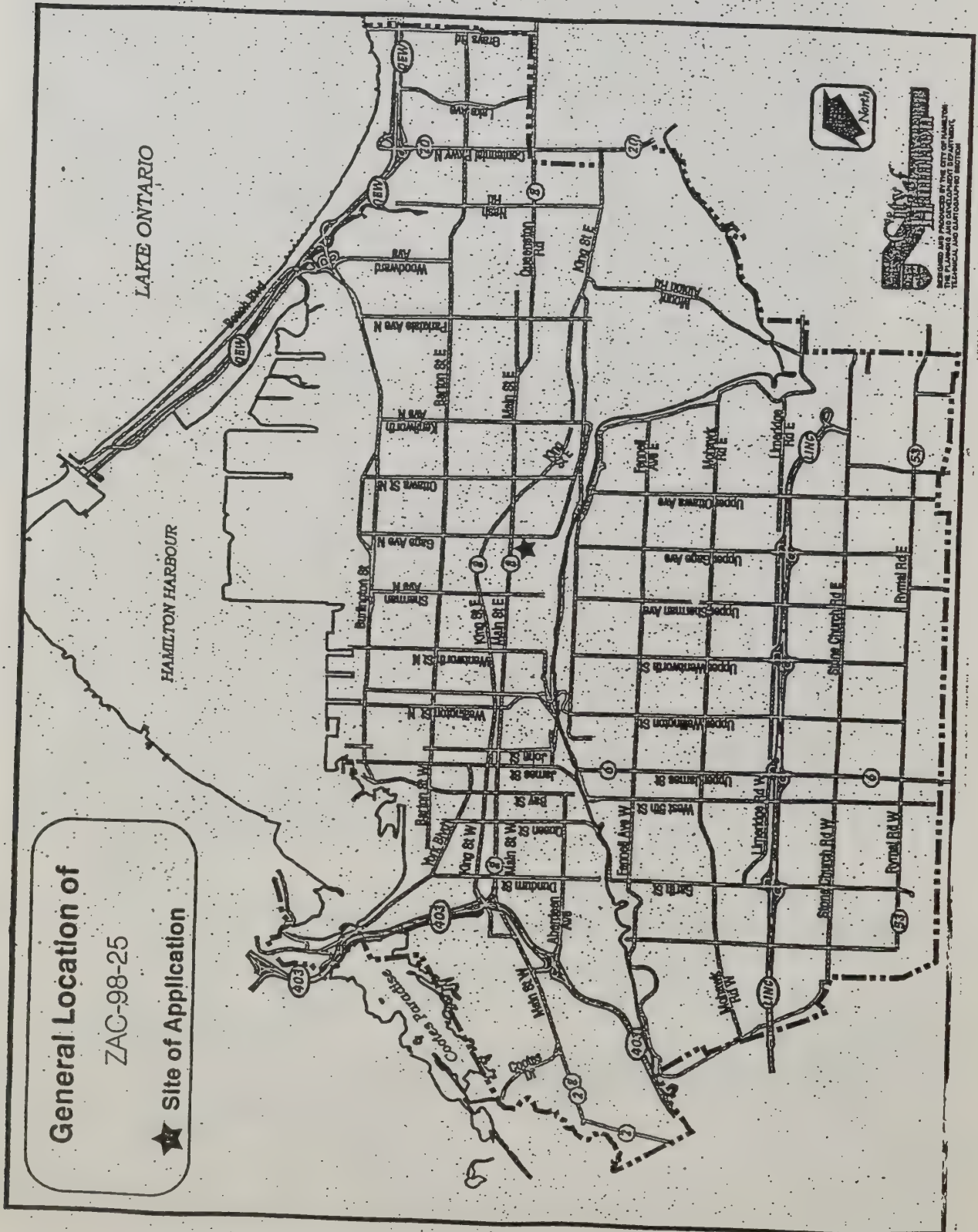


Scale
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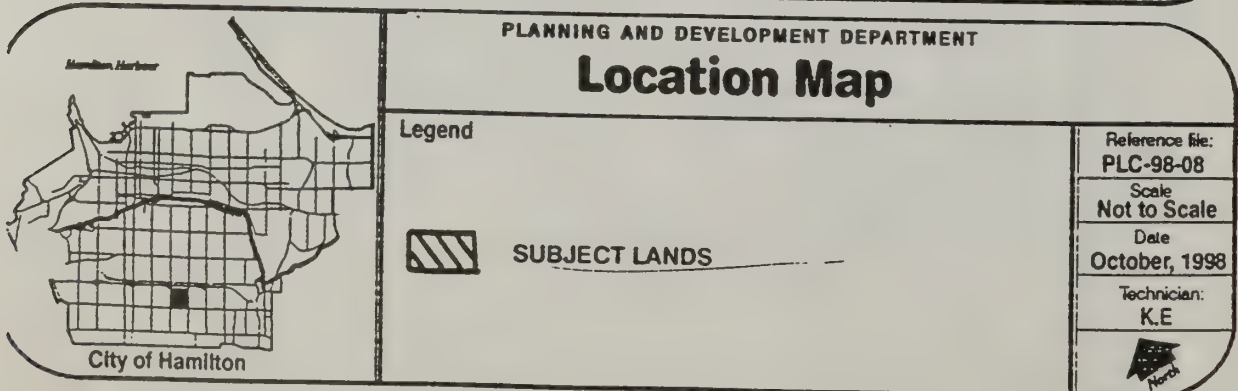
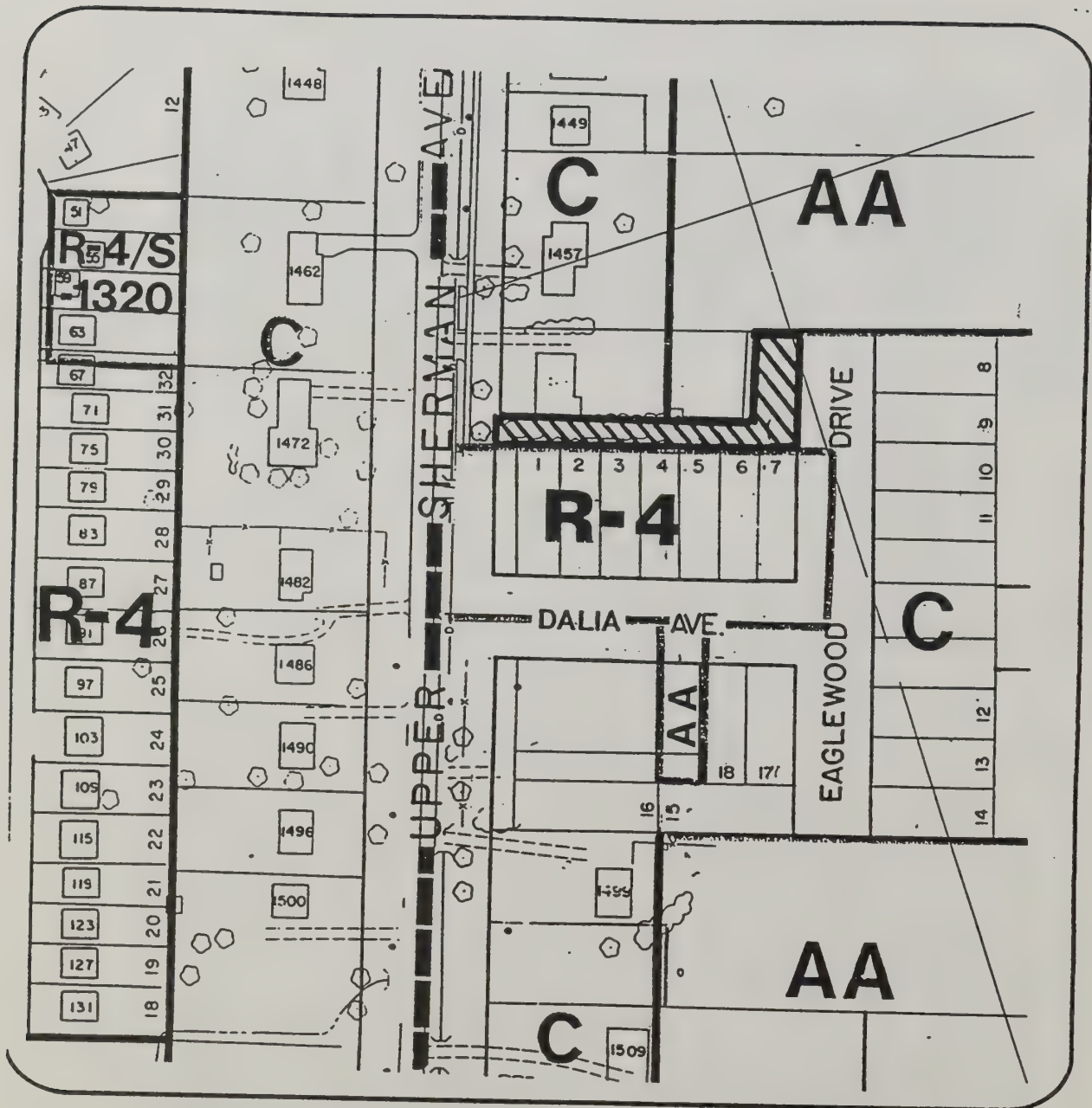
Reference File number
ZAC-98-25

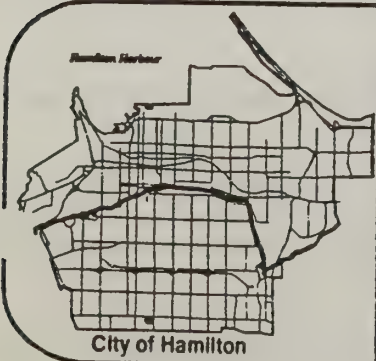
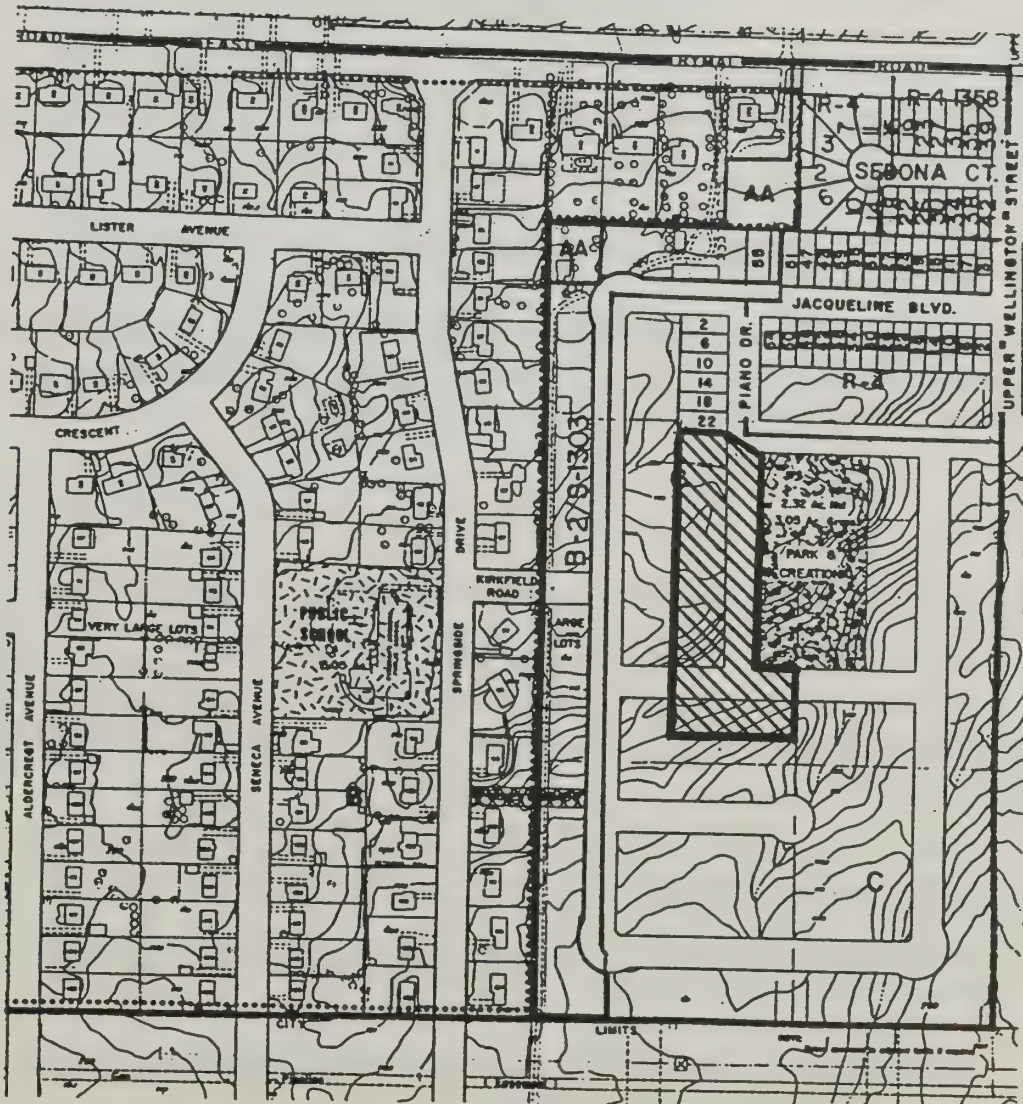
Date
June 1998

Drawn By
F.A.









PLANNING AND DEVELOPMENT DEPARTMENT

Location Map

Legend



Site of Application

Reference file:

PLC-98-09

Scale

Not to Scale

Date

November, 1998

Technician:

J.S/F.N



Amendment No. 157

to the

City of Hamilton Official Plan

The following text together with Schedule "A" – Land Use Concept, constitutes Official Plan Amendment No. 157 .

Purpose and Location:

The purpose of this Amendment is to redesignate land and water from "Special Policy Area: Windermere Basin" to "Open Space" and "Open Water", for lands and water located west of Eastport Drive, and south of Pier 25, and known as Windermere Basin.

Basis:

The basis for the redesignating the area for open space and open water uses is as follows:

- 1) the high visibility and accessibility of the subject area provide opportunities to improve the City's image by developing the lands for open space and low intensity cultural/recreational activities which will allow a more natural and "softer" landscape treatment;
- 2) there are a number of environmental considerations/constraints, which support the need to protect and enhance the environmental qualities of the area;
- 3) it is the last remaining open space opportunity on the south side of Hamilton Harbour;
- 4) the preliminary estimates indicate there is an adequate supply of land available in the City for heavy industry;
- 5) the area has no dockwall, therefore it is less attractive for shipping and navigation uses;
- 6) the location is central to a Provincial trail system including the Red Hill Creek Trail, Bruce Trail and Lake Ontario Waterfront Trail;
- 7) the open space uses will have less impact on nearby residential uses and will act as a buffer between the heavy industrial uses in the central Bayfront and the residential uses to the north and south; and,
- 8) the Basin is the mouth of the Red Hill Creek and provides an area to collect sediments from the up stream flow of the Creek.

Actual Changes:

1. Schedule "A" - Land Use Concept of the Official Plan be revised by:
 - a) redesignating the subject area from "Special Policy Area: Windermere Basin" to "Open Space" and "Open Water"; and,
 - b) deleting "Special Policy Area: Windermere Basin" from the legend.
2. Subsection A.2.5 – Open Water be revised by adding a new policy as follows:

"A.2.5.4 Notwithstanding the designation of Windermere Basin as OPEN WATER and subject to policy A.2.9.3.2, the preferable uses for Windermere Basin are for aesthetic, ecological and scientific activities."
3. Delete Policy A.2.9.3.2 and replace with the following:

"A.2.9.3.2 The following policies apply to the area designated as "Open Space" and "Open Water" on Schedule "A", and shown on Schedule "B" as SPECIAL POLICY AREA 4:

 - i) In addition to the permitted uses set out in Subsection A.2.4 - Open Space Uses, a visitor centre, museum, trail centre and information centre uses will also be permitted;
 - ii) It is recognized there is the potential for site contamination on the lands designated "Open Space" and accordingly, a Record of Site Condition will be required to be submitted to the Region and the Province prior to approval of any development;
 - iii) An Environmental Impact Statement will be required prior to any development to evaluate the impacts of the proposal on the existing Environmentally Significant Areas and determine the impacts of encouraging habitat given present soil and water quality concerns; and,
 - iv) Urban design guidelines for the area will be prepared based on the following basic principles:

- a) Windermere Basin is a special area with wildlife and fish habitats. Accordingly, a minimum 9 m "landscape buffer" should be established around the entire edge of Windermere Basin to enhance the wildlife and fish habitat and provide the potential for trails. The buffer could enhance the views of the area.
- b) Structures should be designed with architectural interest and be enhanced by landscaping. Buildings should be sited to provide interesting views and, where possible, enhance vistas and focal points.
- c) Street plantings and maintenance will add to the image of the area.

Implementation:

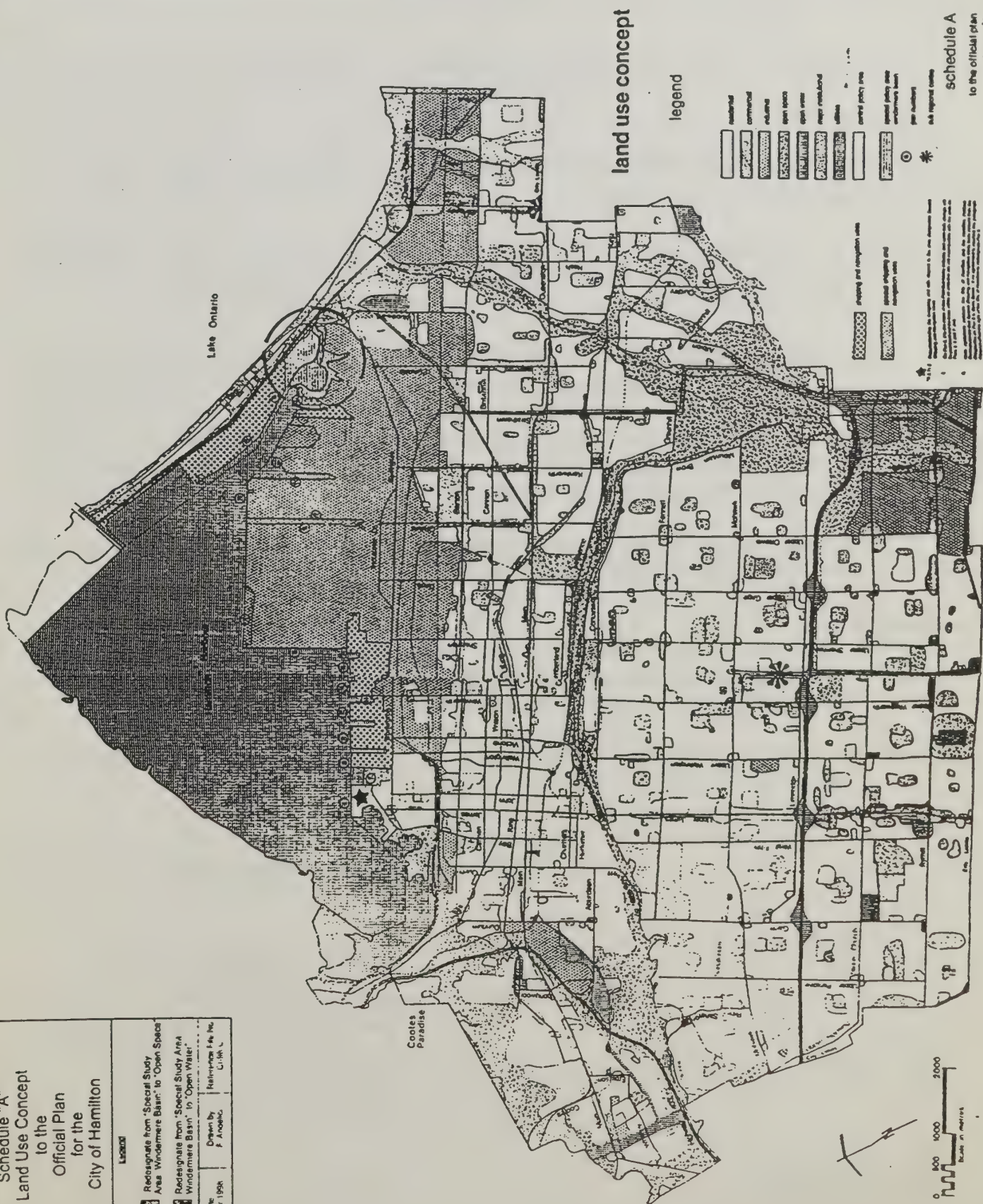
A Zoning By-law Amendment will give effect to the intended use of the subject lands.

This is Schedule "1" to By-law No. 98- , passed on the 24th day of November, 1998.

**The Corporation of the
City of Hamilton**

Clerk

Mayor



REPORT OF THE PLANNING AND DEVELOPMENT COMMITTEE

To the Council of the Corporation of the City of Hamilton

Members of Council:

The Planning and Development Committee presents its **TWENTY-FIRST** Report for 1998 and respectfully recommends:

1. (a) That the Canderel proponent be notified that they are selected for further consideration for the development of an Urban Entertainment Centre in the Downtown Core; and,
- (b) That staff of the Community Planning and Development Department, Economic Development Department, Finance/Treasury Department, Corporate Services Department (City Solicitor's and Real Estate), with the initial co-ordination by the Community Planning and Development Department, be directed to review and request additional information in regard to Canderel's proposals and develop the City's potential conditions of approval for the Urban Entertainment Centre; and,
- (c) That the Sub-Committee of elected representatives continues its function to provide advice and oversee the process with the Canderel proponent.

Recorded vote.

YEAS: Aldermen Kiss, Caplan, Horwath, Corsini, Morelli, Haining, Wilson, Eisenberger, Collins, Charters, Jackson, Anderson, Kelly, D'Amico, O'Sullivan. -15.

NAYS: Alderman Copps. -1.

CARRIED.

Respectfully submitted,

ALDERMAN F. D'AMICO

**PLANNING AND DEVELOPMENT
COMMITTEE**

Tina Agnello, Secretary
1998 November 24

REPORT OF THE FINANCE AND ADMINISTRATION COMMITTEE

To the Council of the Corporation of the City of Hamilton

Members of Council:

The Finance and Administration Committee presents its **TWENTY-SECOND** Report for 1998 and respectfully recommends:

1. (a) That Hamilton City Hall be utilized as the "Corporate Headquarters" for the amalgamated administration to:
 - (i) Serve as center of governance for the City and Region; and,
 - (ii) House key staff which support Council; and,
 - (iii) House key customer services; and,
- (b) That remaining Regional leases expiring in 1998 (25 Main Street West and 1 James Street South) be extended on a monthly basis or equivalent to a maximum of one year, from 1998 to 1999; and,
- (c) That Information Systems staff be relocated from 119 King Street West to Hamilton City Hall; and,
- (d) That the feasibility of utilizing City and Regional facilities outside the downtown core be explored for accommodating staff where appropriate for their function; and,
- (e) That space and furniture standards be updated and adopted to provide consistent criteria for accommodations and an effective working environment; and,
- (f) That a preliminary functional space analysis and user needs study be undertaken as soon as possible, in consultation with new General Managers, at a cost not to exceed \$60,000; and,
- (g) That the space analysis and user need study be funded equally between the City and Region from the City's Contingency Reserve (CH00115) and the Regional Productivity Enhancement Reserve (081830); and,
- (h) That the amalgamated administration continue to consider Downtown Revitalization in its criteria for locations, and that staff bring a report back on how to prioritize such locations.

2. That the Purchasing Policy for the City of Hamilton, attached herewith and marked Appendix "A" be approved.

Recorded vote.

YEAS: Mayor Morrow, Aldermen Caplan, Horwath, Corsini, Morelli, Haining, Wilson, Eisenberger, Collins, Charters, Jackson, Anderson, Kelly, D'Amico, O'Sullivan. -15.

NAYS: Aldermen Kiss and Copps. -2.

CARRIED.

3. (a) That the Business Travel, Seminar and Conference Attendance Policy, attached herewith and marked Appendix "B", be approved; and,
- (b) That the per diem rate for travel be set at \$71 per day for overnight travel; and,
- (c) That staff be required to submit reports to the appropriate Standing Committee of Council following attendance at conferences and conventions on behalf of the Corporation; and,
- (d) That By-law 79-300 – To Authorize Payment of Expenses of Members of Council, Officers, Servants and Other Persons Appointed to a Local Board or Other Body, be rescinded.

Respectfully submitted,

**ALDERMAN D. WILSON, CHAIRMAN
FINANCE AND ADMINISTRATION COMMITTEE**

**Susan K. Reeder
Secretary
1998 November 11**

Appendix "A" referred to in
Section 2 of the TWENTY-
SECOND Report of the Finance
& Administration Committee
for 1998

**CITY/REGION OF HAMILTON WENTWORTH
PURCHASING POLICY # 1
PRINCIPLES**

The Purchasing Policy is guided by the following principles to ensure a minimum standard of performance for Purchasing.

1. Procure the necessary quality and quantity of goods and services in an efficient, timely and cost effective manner, while maintaining the controls necessary for a public institution.
2. Encourage the most open bidding process practicable for the acquisition and disposal of goods and services.
3. Ensure the maximum value of an acquisition is obtained by determining the total cost of performing the intended function over the lifetime of the task. This may include, but not be limited to, acquisition cost, disposal value, disposal cost, training cost, maintenance cost, quality of performance and environmental impact.
4. Procure goods and services with due regard to our commitment to encourage the use of "environmentally friendly" products and services.
5. Follow the guidelines set out in the code of ethics established by the Ontario Public Buyers Association and the City/Region's Code of Conduct by-law.
6. Ensure that maximum value is obtained when disposing of surplus goods.
7. Preference shall be given to local suppliers where all bids offered for consideration are deemed equal.
8. Subject to all applicable City/Region policies and by-laws, any specific provisions of the Municipal Act, or other relevant legislation.

CITY/REGION OF HAMILTON WENTWORTH PURCHASING POLICY # 2 RESPONSIBILITIES

All goods and services are to be acquired in accordance with this policy.

The Purchasing Team as part of the Finance Department will provide support to City/Region staff and act as the City/Region's agents authorized to form contractual agreements with vendors for purchases requiring purchase orders. The Purchasing team will:

- Issue Purchase Orders/Agreements
- Be responsible for the administration of the Purchasing Policies, Guidelines and Procedures
- Maintain records of business transactions as required
- Dispose of all assets as required, including surplus and scrap
- Ensure that all business transactions are conducted ethically and professionally
- Ensure that qualified vendors receive request for Tenders, Proposals, Quotations or prices

General Managers are responsible for:

- Ensuring all purchases are performed in accordance with purchasing policies as defined by the Purchasing Policy Statement and Purchasing Procedures documents.
- Delegating Acquisition Authority to the appropriate levels.
- Ensuring the Manager of Purchasing is informed of and involved in all purchases requiring the involvement of the Purchasing Department.
- Ensuring that corporate standards are adhered to for purchases that fall under Corporate Tenders or Standing Orders. (e.g. computers)

**CITY/REGION OF HAMILTON WENTWORTH
PURCHASING POLICIES # 3
PROHIBITIONS**

The following activities are prohibited:

1. The division of contracts to avoid the requirements of the Policy.
2. Purchase by the City/Region of any goods or services for personal use by or on behalf of any member of Council appointed officers, employees of the City/Region or their immediate families.
3. Purchase by the City/Region from any member of Council, appointed officers, employees of the City/Region or their immediate families or from any other source that would result in a conflict of interest.
4. The purchase of any City/Region goods by a member of Council, appointed officers, employees of the City/Region or their immediate families.
5. The purchase by bid of any City/Region goods by an employee of the City/Region or their immediate families if that employee.
 - a) works at an auction run by the City/Region for the disposal of goods
 - b) is responsible for declaring goods surplus to the City/Region's needs;
or
 - c) is otherwise involved in the disposal of goods surplus to the City/Region's needs.

The above prohibitions are waived in those circumstances where the items are of minimal value and are used for promotional purposes or are authorized by policy approved by Council.

CITY/REGION OF HAMILTON WENTWORTH
PURCHASING POLICY # 4
SUBJECT: DEFINITIONS

1. **"Acquisition Method"** means the process by which goods or services are procured. The acquisition method applied must correspond with the schedules provided in policy #5.
2. **"Contract"** means a written agreement authorized or ratified by the appropriate authority and executed by the appropriate authority.
3. **"Emergency"** means a situation where serious delay may affect the life and health of the general public, prevention of serious damage, and the restoring of essential service levels to a minimum level.
4. **"Expanded Works"** means approved construction projects in which an unexpected problem arises during construction, which does not expand the scope of the project but is necessary in order to deliver the original approved work.
5. **"Co-ordinated Works"** means co-ordination of Regional Projects with Area Municipality projects in which there is sufficient funds within the approved Capital budget but there is insufficient time to follow the normal approval process.
6. **"Time-Sensitive Works"** means works for which the timing to initiate and /or complete the works is paramount but the time available to follow normal procedures is insufficient.
7. **"Purchase Order"** means a written or verbal offer to procure goods and services or a written acceptance of an offer, made on the City/Region's numbered form, to acquire goods and services.
8. **"Purchase Requisition"** means an internal written or online request to Purchasing to procure goods or services.
9. **"Quotation"** means a written request for bids for the supply of goods or services, from selected sources of supply, not opened in public.

CITY/REGION OF HAMILTON WENTWORTH
PURCHASING POLICY # 4 cont.
SUBJECT: DEFINITIONS

10. **Request for Proposal** means a formal request for details on the supply of goods or the provision of services, which cannot be fully defined or specified at the time of the request.
11. **Sole Source** means there is only one known source of supply of particular goods or services.
12. **Standing Purchase Order** means a Purchase Order which establishes prices or a method for determining prices, terms and conditions and the period of time during which a vendor agrees to provide goods or services to the purchaser upon the purchaser's demand.
13. **Tender** means a formal request for sealed bids for the supply of goods or services in response to an advertised invitation, opened in public.
14. **Local supplier** means a supplier located in the City of Hamilton for purposes of a City of Hamilton purchase and a supplier located in the Region of Hamilton-Wentworth for purposes of a Regional purchase.

CITY/REGION OF HAMILTON WENTWORTH PURCHASING POLICY # 5 ACQUISITION AND COMMITMENT AUTHORIZATIONS

Anyone given Acquisition Authority under this schedule is accountable and responsible to ensure that proper and adequate budget exists and any purchase does not violate any City/Region policy, legal or statutory.

- Council must approve purchases over \$150,000
- City Manager or designate must approve purchases over \$60,000
- General Manager or designate are authorized to approve purchases up to \$60,000

Note: Exceptions to these limits are included on the charts for Emergency, Co-ordinated, Expanded and Time-sensitive purchases.

The General Manager sets the appropriate limits within which their staff can approve acquisitions. Within their authority limit, Directors set the limit for each of their Managers, Supervisors and other appropriate staff members.

NOTE: REFER TO THE FOLLOWING DEFINITIONS WHEN USING THE CHARTS ON THE FOLLOWING PAGES

AUTHORIZATION

1. The authority to approve requests for the acquisition of goods or services.

DOCUMENTATION

2. The documents used to request the acquisition of goods or services.

METHOD

3. The process by which goods or services are acquired.

VENDOR COMMITMENT DOCUMENTATION

4. The documents used to acquire goods services from vendors.

**PURCHASING POLICY #5 cont.
GENERAL PURCHASES**

	>\$5,000 up to \$60,000	>\$60,000 up to \$100,000	>\$100,000 up to \$150,000	> \$150,000
Authorization	GM or designate	City Manager or designate	City Manager or designate	Council
Documentation	Purchase Requisition	Purchase Requisition	Purchase requisition and Report to City Manager	Purchase requisition and Report to Council
Method	Minimum of 3 Written Quotes Requested	Minimum of 3 Written Quotes Requested	Tender	Tender
Vendor documentation	Purchase Order	Purchase Order	Purchase Order and, as appropriate, Contract	Purchase Order and, as appropriate, Contract

Note: General Purchases includes Insurance, Legal, and Arbitration awards

CONSTRUCTION CONTRACTS

	>\$5,000 up to \$60,000	>\$60,000 up to \$100,000	>\$100,000 up to \$150,000	> \$150,000
Authorization	GM or designate	City Manager or designate	City Manager or designate	Council
Documentation	Purchase Requisition	Purchase Requisition	Purchase requisition and Report to City Manager	Purchase requisition and Report to Council
Method	Minimum of 3 Written Quotes Requested	Minimum of 3 Written Quotes Requested	Tender	Tender
Vendor documentation	Purchase Order and/or Contract	Purchase Order and/or Contract	Purchase Order and/ Contract	Purchase Order and Contract

Note: Departments may choose to follow the tender method for acquisitions under \$100,000

PURCHASING POLICY #5 cont.**CONSULTANT CONTRACTS**

	>\$5,000 up to \$60,000	>\$60,000 up to \$100,000	>\$100,000 up to \$150,000	> \$150,000
Authorization	GM or designate	City Manager or designate	City Manager or designate	Council
Documentation	Purchase Requisition	Purchase Requisition and report to City Manager	Purchase requisition and Report to City Manager	Purchase requisition and Report to Council
Method	Minimum of 3 Written Quotes	Minimum of 3 Written Quotes	Request For Proposal	Request For Proposal
Vendor documentation	Purchase Order and Contract	Purchase Order and Contract	Purchase Order and Contract	Purchase Order and Contract

EMERGENCY

	>\$5,000 up to \$60,000	>\$60,000 up to \$100,000	>\$100,000 up to \$150,000	> \$150,000
Authorization	GM or designate	GM or designate	GM or designate	GM or designate
Documentation	Department's Discretion	Subsequent report to City Manager	Subsequent Report to City Manager	Subsequent Report To Council
Method	Negotiation	Negotiation	Negotiation	Negotiation
Vendor documentation	Department's Discretion	Department's Discretion	Department's Discretion	Department's Discretion

PURCHASING POLICY #5 cont.**CO-ORDINATED AND EXPANDED WORK**

	>\$5,000 up to \$60,000	>\$60,000 up to \$100,000	>\$100,000 up to \$150,000	> \$150,000
Authorization	GM or designate	City Manager or designate	City Manager or designate	City Manager and Mayor or Regional Chairman
Documentation	Purchase Requisition	Purchase Requisition and report to City Manager	Purchase requisition and Report to City Manager	Purchase requisition and Report to Council
Method	Negotiation	Negotiation	Negotiation	Negotiation
Vendor documentation	Purchase Order and Contract	Purchase Order and Contract	Purchase Order and Contract	Purchase Order and Contract

TIME-SENSITIVE

	>\$5,000 up to \$60,000	>\$60,000 up to \$100,000	>\$100,000 up to \$150,000	> \$150,000
Authorization	GM or designate	City Manager or designate	City Manager or designate	City Manager and Mayor of Regional Chairman
Documentation	Purchase Requisition	Purchase Requisition and Report to City Manager	Purchase requisition and Report to City Manager	Purchase requisition and Report to Council
Method	Negotiation Quotes where possible	Negotiation Quotes where possible	Negotiation Quotes where possible	Negotiation Quotes where possible
Vendor documentation	Purchase Order and Contract	Purchase Order and Contract	Purchase Order and Contract	Purchase Order and Contract

**CITY/REGION OF HAMILTON WENTWORTH
PURCHASING POLICY # 6
CO-OPERATIVE PURCHASING**

The City/Region will participate with other government agencies or public authorities in cooperative acquisition ventures where it is in the best interest of the taxpayer to do so. The procedures and policies of the agency calling the tender, proposal or quotation will be followed.

Each agency will issue its own contract and is responsible for the remainder of the procurement function (Receiving, inspecting, payment).

**CITY/REGION OF HAMILTON WENTWORTH
PURCHASING POLICY # 7
RECURRING OR NON-COMPETITIVE EXPENDITURES
SCHEDULE "A"**

Subject to all applicable City/Region policies and procedures, a purchase order is not required:

1. Purchases less than \$5,000
2. Employer's General Expenses
 - a) Payroll Deduction Remittances
 - b) Insurance Premiums/Claims
 - c) Licenses (vehicles, elevators, radios, etc.)
 - d) Debt payments
 - e) Grants and Levies
 - f) Tax Remittances
 - g) Real Property payments including Land, Buildings, Leasehold Interest, Easements, Encroachments and Licenses, or the like.
 - h) Legal Settlements
 - i) Travel Expenses (see note below)
3. Professional and Special Services
 - a) Medical Professional Services
 - b) Community Service Providers (Daycare, Lodging Homes, nursing, Homemakers)
 - c) Appraisers
 - d) Committee Fees
4. Utilities
 - a) Electricity
 - b) Postal Services
 - c) Water
5. Government Bodies
 - a) Revenue Canada
 - b) Minister of Finance
 - c) Area Municipalities

Note: See Travel and Tuition Policies for refundable employee expense.

THE CITY/REGION OF HAMILTON-WENTWORTH BUSINESS TRAVEL, SEMINAR AND CONFERENCE POLICY

This policy applies to the attendance of members of Council and staff at conferences, seminars, and for other business travel deemed to be in the best interests of the Corporation; and to provide for the reimbursement of expenses incurred by those persons authorized to attend.

(1) ATTENDANCE AUTHORIZATION

Conditional upon the availability of funds provided in the current budget.

Council must approve the attendance for any member of Council at any conference, seminar or for other business travel.

Chairman or Mayor must approve the attendance of the City Manager at any conference, seminar or for other business travel that is outside of Canada or the United States.

The City Manager/or designate must approve the attendance of any department head at any conference, seminar or for other business travel.

The City Manager /or designate must approve the attendance of all staff at any conference, seminar or for other travel that is outside of Canada or the United States.

Department heads must approve the attendance of his/her department staff at conferences, seminars, or for other business travel that is within Canada and the United States.

(2) ADVANCE AND EXPENSE REIMBURSEMENT AUTHORIZATION

Subject to the approvals granted under Clause (1) above, City Manager or designate is granted the authority to approve an appropriate advance or to pay directly, expenses incurred for/by department heads where expenses are within this policy.

Subject to the approvals granted under Clause (1) above, department heads/or designate is granted the authority to approve an appropriate advance or to pay directly expenses incurred for/by staff where expenses are within this policy.

In exceptional circumstances, the City Manager may approve expenses over or outside the limits of this policy.

(3) REGISTRATION

- Subject to the approvals granted in Clause (1) above, request for payment of the registration fee for the delegate to attend the conference or meeting is forwarded to the Finance Department. Advance discounts should be realized where possible.
- Copy of course, conference or seminar agenda is required providing information on cost, location, dates and meals.

(4) TRANSPORTATION

The most economical and efficient mode of transportation as follows:

- Economy airfare including all applicable taxes, surcharges and cancellation insurance;

NOTE: Upgrades from economy airfare will be acceptable for non North American air travel to no higher than business class in recognition of the travel times involved.

- Train/bus fare when applicable.
- Transfer fees to and from transportation terminals at points of departure and arrival by the most economically feasible method, including parking.
- Car rental, including gas purchases, instead of public transportation may be claimed providing it is more economical or if required under certain circumstances. Authorization as per Clause (2) must be received prior to departure and must be clearly indicated on the Travel Advance Form.
- Where an individual uses his/her own car for business travel, specific business insurance travel coverage must be in place. The current applicable mileage rate for the use of private automobiles on City/Region business will be reimbursed. While operating a private automobile on City/Region business, the individual is responsible for all vehicular costs, for example, repairs, fines, etc. Mileage will be reimbursed from the regular place of work, or from the employee's residence, whichever is less.

- Unless exceptional circumstances apply, the charges for the use of personal automobile shall not exceed the equivalent cost of economy airfare, plus airport parking and transfers.
- Shared transportation is encouraged when appropriate.

(5) ACCOMODATION

Reasonable accommodation expenses where overnight accommodation is required is allowable as follows:

- The accommodation chosen should be the most economical and advantageous to the conduct of City/Region business.
- The actual cost of a single room will be allowed provided such cost does not exceed the "Government Rate" when available.
- Receipts are required in support of all such expenses and must show the place, date and number of days or part days and the rate per day for single occupancy.

(6) PER DIEMS

A "Per Diem" expense allowance, at a rate approved by Council from time to time, to cover the costs of meals, gratuities, personal telephone charges and all other expenses not covered by Clause (3), (4) and (5), will apply only when overnight accommodation is required. Where some meals are provided, the per diem will be reduced as follows:

Breakfast	\$10.00
Lunch	\$15.00
Dinner	\$25.00

- One per diem is allowed for each official registered full day of the event attended. Additional reasonable expenses incurred while travelling to and from the event will be reimbursed provided receipts are submitted in evidence of the expenses incurred.
- When overnight accommodations is not required, personal meal expenses will be reimbursed based upon submitted receipts to a maximum of the above table.

- Per diem claims for all approved travel in the United States and abroad will be paid in U.S. dollars to compensate for any additional expenses.
- For non North American travel only, reimbursement in excess of this maximum will be made if the actual expenses are reasonable in the opinion of the department head and proper receipts are submitted for all expenses. Approval of these expenses in excess of maximum per diem rates will be made on an individual basis, subject to their merits and general policy for reimbursement of allowable expenses.
- This policy addresses the maximum that the City/Region will pay for travel, the individual may choose to upgrade at his/her own expense. If paid directly by the City/Region, reimbursement must be received at time of registration. Examples include additional accommodation expenses for an accompanying spouse.
- In accordance to Clause (2) a lesser per diem or reimbursement for expenses for which receipts are submitted up to a maximum of the allowable per diem rate may be approved.

(7) EXTENDED STAYS

At times, and with prior written authorization, special travel savings may be available to the City/Region if the individual travelling stays longer than the duration of the business stay. Although any additional stay will be reimbursed in terms of per diems/accommodation the total travel costs cannot exceed economy travel fare plus minimum per diems/accommodation costs if the length of stay were not extended. Any loss of work days due to this "extended" travel must be charged to the employee's vacation entitlement. Savings must be substantiated by airline quotes, etc.

8. REPORTING

- All expenses claims/reimbursements must be submitted to the Finance Department within 20 days of the event. Reimbursements of advanced funds must be accompanied by a receipt issued by the Finance Department, or a cheque payable to the City of Hamilton or to the Regional Municipality of Hamilton-Wentworth for the full amount owing.
- If an expense claim "actual" is overdue under this policy, the department head will be notified in writing and additional expense claims/advance requests will not be processed until the past due actual has been received.
- A minimum one-page report on any conference, seminar or field trip shall be completed and filed with the final expense claim, with a copy to his or her

immediate supervisor. In the case of a department head, a copy shall be filed with the City Manager.

(9) **ITEMS NOT ALLOWABLE**

Claims for reimbursement will **not** be allowed for:

- Personal Effects and Services – Claims for loss of personal effects, for medical and hospital treatment, for purchase of trunks, hand luggage, clothing and other personal equipment, or for personal services such as, shoe shines, valet services and other personal expenses.

NOTE: Handling charges for bulky items such as exhibits are permissible provided they are indicated separately on the advance form and pre-approved. Receipts should be obtained where at all possible, however, expenses without receipts will be reimbursed if they were pre-approved and are reasonable (in the opinion of the department head) and equal to or less than the pre-approved amount.

- Long Distance Telephone Calls – Charges for long distance telephone calls **unless** these calls were made for City/Region business and are properly identified on the hotel bill. Reasonable telephone charges for calls to family at home will be allowed, in consideration of being out-of-town on City/Region business.
- Medical Insurance - City/Region employees are covered under the City/Region's group plan. Extra insurance will not be reimbursed.

THE CITY/REGION OF HAMILTON-WENTWORTH BUSINESS TRAVEL, SEMINAR AND CONFERENCE POLICY

This policy applies to the attendance of members of Council and staff at conferences, seminars, and for other business travel deemed to be in the best interests of the Corporation; and to provide for the reimbursement of expenses incurred by those persons authorized to attend.

(1) ATTENDANCE AUTHORIZATION

Conditional upon the availability of funds provided in the current budget.

Council must approve the attendance for any member of Council at any conference, seminar or for other business travel.

Chairman or Mayor must approve the attendance of the City Manager at any conference, seminar or for other business travel that is outside of Canada or the United States.

The City Manager/or designate must approve the attendance of any department head at any conference, seminar or for other business travel.

The City Manager /or designate must approve the attendance of all staff at any conference, seminar or for other travel that is outside of Canada or the United States.

Department heads must approve the attendance of his/her department staff at conferences, seminars, or for other business travel that is within Canada and the United States.

(2) ADVANCE AND EXPENSE REIMBURSEMENT AUTHORIZATION

Subject to the approvals granted under Clause (1) above, City Manager or designate is granted the authority to approve an appropriate advance or to pay directly, expenses incurred for/by department heads where expenses are within this policy.

Subject to the approvals granted under Clause (1) above, department heads/or designate is granted the authority to approve an appropriate advance or to pay directly expenses incurred for/by staff where expenses are within this policy.

In exceptional circumstances, the City Manager may approve expenses over or outside the limits of this policy.

(3) REGISTRATION

- Subject to the approvals granted in Clause (1) above, request for payment of the registration fee for the delegate to attend the conference or meeting is forwarded to the Finance Department. Advance discounts should be realized where possible.
- Copy of course, conference or seminar agenda is required providing information on cost, location, dates and meals.

(4) TRANSPORTATION

The most economical and efficient mode of transportation as follows:

- Economy airfare including all applicable taxes, surcharges and cancellation insurance;

NOTE: Upgrades from economy airfare will be acceptable for non North American air travel to no higher than business class in recognition of the travel times involved.

- Train/bus fare when applicable.
- Transfer fees to and from transportation terminals at points of departure and arrival by the most economically feasible method, including parking.
- Car rental, including gas purchases, instead of public transportation may be claimed providing it is more economical or if required under certain circumstances. Authorization as per Clause (2) must be received prior to departure and must be clearly indicated on the Travel Advance Form.
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- Per diem claims for all approved travel in the United States and abroad will be paid in U.S. dollars to compensate for any additional expenses.
- For non North American travel only, reimbursement in excess of this maximum will be made if the actual expenses are reasonable in the opinion of the department head and proper receipts are submitted for all expenses. Approval of these expenses in excess of maximum per diem rates will be made on an individual basis, subject to their merits and general policy for reimbursement of allowable expenses.
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immediate supervisor. In the case of a department head, a copy shall be filed with the City Manager.

(9) ITEMS NOT ALLOWABLE

Claims for reimbursement will **not** be allowed for:

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- Long Distance Telephone Calls – Charges for long distance telephone calls **unless** these calls were made for City/Region business and are properly identified on the hotel bill. Reasonable telephone charges for calls to family at home will be allowed, in consideration of being out-of-town on City/Region business.
- Medical Insurance - City/Region employees are covered under the City/Region's group plan. Extra insurance will not be reimbursed.

REPORT OF THE FINANCE AND ADMINISTRATION COMMITTEE

To the Council of the Corporation of the City of Hamilton

Members of Council:

The Finance and Administration Committee presents its **TWENTY-THIRD** Report for 1998 and respectfully recommends:

1. That a purchase order be issued to Allan Fyfe Equipment Ltd., Concord, Ontario in the amount of \$132,353.50 including all applicable taxes for the purchase of two (2) Wood Chippers units 9609 and 9611 and, one (1) Stump Cutter unit 9616 for Fleet Services being the lowest of two tenders received in accordance with specifications issued by Purchasing and Vendor's tender and be financed through the Reserve for Mobile Equipment Account Number CF5532 649851037.
2.
 - (a) That the City be authorized to enter into an Extension Agreement, if required, in a form satisfactory to the City/Regional Solicitor and the General Manager, Finance pursuant to Section 8 of the Municipal Tax Sales Act, with the owner of property at 760 Knox Avenue to extend the time open for payment of realty tax arrears in accordance with the policy for extension agreements approved by City Council on 1994 June 28; and,
 - (b) That the by-law to authorize the said Extension Agreements be enacted by Council; and,
 - (c) That the Mayor and Municipal Clerk be authorized to execute the aforesaid by-law and extension agreement.
3.
 - (a) That the annual Reserve and Reserve Funds report (circulated to members of the Finance and Administration Committee, and available from the Committee Secretary upon request) be received; and,
 - (b) That the General Manager, Finance be authorized to open an interest bearing reserve fund "Ronald V. Joyce Centre for the Performing Arts at Hamilton Place".
4.
 - (a) That the 1998 billing of the final instalment of taxation for those properties having assessments, in full or in part, in the commercial or industrial tax classes be further delayed beyond the date of 1998 December 15 as previously approved; and,

- (b) That the Law Department be directed to prepare the required amendments to the current taxation billing by-law(s) for presentation to City Council.
- 5. (a) That the 1999 General and Convention/Reception Grant Applications and Policies be made available to potential applicants with an extended deadline of 1999 January 15 for the General Grant Applications; and,
 - (b) That the process for reviewing and approving all 1999 General Grant Applications and the process for the Convention/Reception Grants be considered by a report from the Grants Process Group as soon as possible to the Finance and Administration Committee, said report to include a recommendation as to revised membership of the group; and,
 - (c) That the 1999 Grant Applications be advised as to the outcome of this grants process.
- 6. (a) That the City of Hamilton enter into a Ground Lease Amendment Agreement with the Province of Ontario for the purpose of revising the demised floor area allocated between the parties on the ground floor of the Ellen Fairclough building, as per the original "as built" drawings referred to in the Ground Lease dated 1976 January 6; and,
 - (b) That it be understood and agreed that the Lease Amending Agreement contain the following key terms and conditions:

Key Terms:

- (i) Lessor: Corporation of the City of Hamilton;
Lessee: Province of Ontario (Her Majesty the Queen in the right of Ontario, as represented by the Management Board Secretariat); and,
- (ii) Premises: Part of the ground floor of the Ontario Government building at 119 King Street West, Hamilton;
 - (1) Exclusive use floor space to be leased - 238 square feet; and,
 - (2) Non-exclusive use floor space to be licensed - 600 square feet; and,
- (iii) Use of Premises: The Lessee shall use the premises as part of a public lobby and a storage room ancillary to its office tower; and,

- (iv) Term: Commencing 1999 March 1, expiring on 2069 October 31, to coincide with the remaining term of the Ground Lease. Said seventy (70) year term to be divided into four (4) periods commencing 1999 March 1, 2016 March 1, 2033 March 1, and 2050 March 1, for the purpose of adjusting the market rent of the exclusive use area; and,
- (v) Rent:
- (1) Exclusive Use space of 238 square feet, a minimum rent of \$5 per square foot per annum plus GST, net of all operating costs including realty taxes, insurance premiums, heating and cooling costs, electricity, repairs, maintenance and janitorial costs, etc., for a total of \$1,190 per annum plus GST, during the first period of the term. The rent during subsequent periods shall be based on the market rent of comparable office space in the downtown area as at the commencement of the rental period; and,
 - (2) Non-Exclusive Use space of 600 square feet (area of shared use lobby), a rent of \$2 for the entire term, plus all operating expenses including janitorial and maintenance costs, with the sole exception of the cost of heating, cooling and electricity supplied by the City's Central Utilities Plant; and,
- (vi) Insurance: The Lessee is to maintain in force throughout the term a comprehensive general liability insurance policy (with the Lessor as additional insured) to an inclusive limit of not less than \$5,000,000; and,
- (vii) Indemnity: The Lessee is to indemnify and save harmless the Lessor from and against all actions, claims, etc. that the Lessor may bear by reason of any personal injury, death or damage to property suffered by any person or property that arises out of the use or occupation of the demised premises by the Lessee or any member of the public or by reason of any negligence on the part of the Lessee, save and except for the use of the non-exclusive area of the lobby outside of normal business hours (8:00 a.m. to 6:00 p.m. Monday to Friday); and,

- (viii) Termination: The Lease, as it relates to the revisions to the demised floor area as set out in the Lease Amending Agreement, may be terminated in whole or in part, upon six (6) months written notice to the other party by either the Lessee or the Lessor, after the first five (5) years of the term have elapsed, provided the Lessee restores the premises to the physical layout and condition it was in before the commencement of the tenant improvements and the Lease Amending Agreement or to an alternate state if deemed acceptable, to the satisfaction of the City (including the Director of Operations for the Hamilton Convention Centre and the Building Commissioner); and,
- (ix) Assignment: The Lessee shall not assign or sublet the Lease Amending Agreement or otherwise encumber the premises without the prior written consent of the Landlord; and,

Conditions:

- (x) That the proposed Lease Amending Agreement shall be subject to the approval of the Province and to the satisfaction of the Manager of the Real Estate Division for the City in conjunction with City/Regional Solicitor in accordance with the key terms and conditions noted herein. Should it be required in order to process a building permit, City staff will execute permit applications as owner. However, such execution of applications shall not fetter the discretion of the Building Commissioner in determining whether such permit shall be issued; and,
- (xi) That all proposed tenant improvements to expand and renovate the premises shall receive the prior approvals of the Lessor as required, including the City of Hamilton Building Commissioner and the Director of Operations for the Convention Centre; and,
- (xii) It is understood and agreed that an Authority to Enter upon the premises be granted to the Province to initiate tenant improvements, however, should the Province not subsequently execute the proposed Lease Amending Agreement, the premises shall be restored to its original condition by the Lessee; and,
- (c) That an Authority to Enter the premises for the purpose of undertaking renovations (proposed tenant improvements) prior to the execution and commencement of the Lease Amending Agreement be approved; and,
- (d) That the Mayor and Municipal Clerk be authorized and directed to execute the Authority to Enter and the Lease Amending Agreement in a form satisfactory to Corporate Counsel.

7. That Mr. J. J. Schatz, Municipal Clerk or his designate be appointed Freedom of Information and Privacy Co-ordinator for the City of Hamilton.
8.
 - (a) That the City decline to accept the Plaintiffs' Offer to Settle Ontario Court (General Division) Action # C14260/94 by the payment to the Plaintiffs, Phyllis Honsberger and Gaye-Ann Pracsovics of the amount of \$16,312.90 plus pre-judgment interest plus costs; and,
 - (b) That the City make a formal Offer to Settle Ontario Court (General Division) Action # C14260/94 in the following terms:
 - (i) That the City will pay to the Plaintiffs' Phyllis Honsberger and Gaye-Ann Pracsovics the sum of \$3,500 inclusive of all claims for damages, interest and costs; and,
 - (ii) That the Plaintiffs' will execute a Full and Final Release in a form satisfactory to the City/Regional Solicitor; and,
 - (iii) That Ontario Court (General Division) Action # C14260/94 shall be dismissed; and,
 - (iv) That if this Offer to Settle is accepted before the commencement of Examinations for Discovery of either the Plaintiffs' or a witness on behalf of the City, there shall be no Order as to costs; and,
 - (v) That if this Offer to Settle is accepted after the commencement of Examinations for Discovery of either the Plaintiffs' or a witness on behalf of the City, the City shall be entitled to its Party/Party costs of this action to be agreed or assessed; and,
 - (vi) That this Offer remains open for acceptance until the commencement of Trial, or until withdrawn whichever first occurs.
9.
 - (a) That the City resolve Ontario Court (General Division) Action # 7017/94 by the payment to the Plaintiffs Daisy, and Martin Newell and Catherine Mort the sum of \$10,000 inclusive of damages, interest and costs; and,
 - (b) That the Plaintiffs be required to execute a Full and Final Release in a form satisfactory to the City/Regional Solicitor; and,
 - (c) That Ontario Court (General Division) Action # 7017/94 be dismissed without costs.

10. (a) That the City resolve Ontario Court (General Division) Action # 2987/93 by the payment to the Plaintiff, Reita McElmon, of the sum of \$17,693.43 inclusive of all claims for damages, interest and costs; and,
(b) That the Plaintiff be required to execute a Full and Final Release in a form satisfactory to the City/Regional Solicitor; and,
(c) That Ontario Court (General Division) Action # 2987/93 be dismissed, on consent, without costs.
11. (a) That the General Manager, Finance be directed to disburse to the Hamilton Downtown Partnership the amount of \$75,000 as allocated in the 1998 Budget as the City's portion towards the Hamilton Downtown Partnership; and,
(b) That the Region be so advised of the City's resolution in this regard.
12. That the following Bills be adopted, signed, sealed and enrolled as By-laws:
 - (a) D-57 A By-law to Authorize an Extension Agreement for Payment of Realty Tax Arrears.
 - (b) D-58 A By-law to Confirm the Proceedings of the Council of The Corporation of the City of Hamilton.
13. That Standing Committee meetings scheduled for the week of 1999 January 4th, and the City Council meeting scheduled for Tuesday, 1999 January 12th be cancelled. **ADDED.**

Recorded vote.

YEAS: Mayor Morrow, Aldermen Kiss, Caplan, Horwath, Corsini, Morelli, Haining, Wilson, Eisenberger, Collins, Charters, Jackson, Anderson, Kelly, D'Amico, O'Sullivan. -16.

NAYS: Alderman Copps. -1.

CARRIED.

Respectfully submitted,

**ALDERMAN D. WILSON, CHAIRMAN
FINANCE AND ADMINISTRATION COMMITTEE**

**Susan K. Reeder
Secretary
1998 November 17**

REPORT OF THE NOMINATING COMMITTEE

To the Council of the Corporation of the City of Hamilton.

The Nominating Committee presents its **SEVENTH** Report for 1998 and respectfully recommends:

1. That Alderman M. Caplan be appointed Chairman of the Committee of the Whole for the months of December, 1998; January and February, 1999.
2. That the following citizen member be appointed to serve on the Canadian Football Hall of Fame and Museum Management Committee for a term to expire 2001 November 30:

Paul Mansfield

Respectfully Submitted,

**Mayor R. M. Morrow
Chairman
Nominating Committee**

**J. J. Schatz, Secretary
1998 November 24**

1998 December 8

Minutes of Hamilton City Council
Tuesday, December 8, 1998
7:30 o'clock p.m.
Webster Room A, B & C
Hamilton Convention Centre

URBAN MUNICIPAL

DEC 22 1998

GOVERNMENT DOCUMENTS

The Council met:

There were present: Mayor R. Morrow, Chairman; Aldermen M. Kiss, A. Horwath, M. Caplan, R. Corsini, B. Morelli, D. Haining, D. Wilson, G. Copps, C. Collins, F. Eisenberger, T. Jackson, B. Charters, T. Anderson, B. Kelly, F. D'Amico, D. O'Sullivan

Mayor R. M. Morrow called the meeting.

Dean Peter Wall, Christ's Church Cathedral led Council in prayer.

ADOPTION OF MINUTES

The minutes of the meeting held 1998 November 24 were adopted as circulated.

CORRESPONDENCE

1. Application dated 1998 December 2 from 1169990 Ontario Inc., Rob McDowell, Caldwell Banker for a further modification to the "HH" (Restricted Community Shopping and Commercial etc.) District for 775-779 Upper Wentworth Street, Hamilton, Ontario.

Received.

Alderman M. Caplan declared personal interest in, took no part in the debate and refrained from voting on the above noted matter. Alderman Caplan is employed by the Applicant.

* * * * *

It was moved by Alderman Kiss and seconded by Alderman Copps that the Reports of the Transport and Environment Committee, the Parks and Recreation Committee, the Planning and Development Committee, the Finance and Administration Committee, and the Nominating Committee, be considered in Committee of the Whole with Alderman Caplan in the chair.

Recorded vote.

YEAS: Mayor Morrow, Aldermen Kiss, Caplan, Horwath, Corsini, Morelli, Haining, Copps, Wilson, Eisenberger, Collins, Charters, Jackson, Anderson, Kelly, D'Amico, O'Sullivan. -17.

NAYS: -0.

CARRIED.

RESOLUTION

Re: Rule No. 9 - Provincial cuts and downloading of responsibilities

It was moved by Alderman Eisenberger and seconded by Alderman Collins that Rule No. 9 of the Procedural By-law be invoked for this meeting of City Council to allow the introduction of a motion respecting protesting Provincial cuts and downloading of responsibilities. **CARRIED.**

* * * * *

Re: Provincial cuts and downloading of responsibilities

It was moved by Alderman Eisenberger and seconded by Alderman Collins that the City Manager and General Manager of Finance be directed to investigate any methods, financial or otherwise, available to the City of Hamilton to protest Provincial cuts and downloading of responsibilities. **CARRIED.**

TRANSPORT AND ENVIRONMENT COMMITTEE – FOURTEENTH REPORT

Section 25 Re: Demonstration Project – Narrowing of King St. West (James St. to Bay St.)

Recorded vote.

YEAS: Mayor Morrow, Aldermen Caplan, Horwath, Corsini, Morelli, Wilson, Collins, Eisenberger, Jackson, Charters, D'Amico, O'Sullivan. -12.

NAYS: Aldermen Kiss, Haining, Copps, Anderson, Kelly. -5.

CARRIED.

* * * * *

Section 27 Re: 2 Hour Free Parking – York Blvd. Parkade

Recorded vote.

YEAS: Mayor Morrow, Aldermen Kiss, Caplan, Horwath, Corsini, Morelli, Haining, Copps, Eisenberger, Collins, Jackson, Anderson, Kelly, D’Amico, O’Sullivan. – 15.

NAYS: Aldermen Wilson and Charters. -2.

CARRIED.

* * * * *

Section 29 Re: MetroNet Communications Ltd. – Cable on, under and above city streets

It was moved by Alderman Copps and seconded by Alderman Kiss that Section 29 of the Fourteenth Report of the Transport and Environment Committee be amended by deleting the words “above” in the third line of subsection (a) and the third line of subsection (b).

WITHDRAWN.

Section 29 Re: MetroNet Communications Ltd. – Cable on, under and above city streets

It was moved by Alderman Copps and seconded by Alderman Eisenberger that the following be added as Section (d) of the Fourteenth Report of the Transport and Environment Committee

- (d) That the Transport and Environment Committee be requested to investigate the feasibility and cost of requiring the placement of all utility wires and cables underground.

Recorded vote on Section 29 as amended.

YEAS: Mayor Morrow, Aldermen Caplan, Horwath, Corsini, Morelli, Haining, Wilson, Eisenberger, Collins, Charters, Jackson, Anderson, Kelly, D’Amico, O’Sullivan. – 15.

NAYS: Aldermen Kiss and Copps. -2.

CARRIED.

* * * * *

Section 33 Re: Funding – Municipal Road Construction

It was moved by Alderman Charters and seconded by Alderman Wilson that Section 33 of the Fourteenth Report of the Transport and Environment Committee be amended by adding to it as follows:

“And, that this resolution be forwarded to A.M.O. for consideration.”

CARRIED.

PARKS AND RECREATION COMMITTEE – TWELFTH REPORT

Section 1 (c) Re: Final Report “Market and Operations Study for Hamilton’s Aviary

It was moved by Alderman Copps and seconded by Alderman Kiss that the following be added as Subsection (c) to Section 1 of the Twelfth Report of the Parks and Recreation Committee

- (c) That the City of Hamilton be considered as an appropriate site for the Aviary.

Recorded vote.

YEAS: Mayor Morrow, Aldermen Kiss, Corsini, Copps, D’Amico. -5.

NAYS: Aldermen Caplan, Horwath, Morelli, Haining, Wilson, Eisenberger, Collins, Charters, Jackson, Anderson, Kelly, O’Sullivan. -12. **LOST.**

* * * * *

Section 1 (c) Re: Aviary

It was moved by Alderman Morelli and seconded by Alderman Haining that the following be added as subsection (c) of Section 1 of the Twelfth Report of the Parks and Recreation Committee:

- (c) That sites in the City of Hamilton also be included in any assessment of where the future location of the Aviary might occur. **CARRIED.**

* * * * *

Section 11 Re: City Agreement of Purchase and Sale with Hamilton Region Conservation Authority - Beach Lands

Recorded vote.

YEAS: Mayor Morrow, Aldermen Kiss, Caplan, Horwath, Corsini, Morelli, Haining, Wilson, Eisenberger, Collins, Charters, Jackson, Anderson, Kelly, D’Amico, O’Sullivan. -16.

NAYS: Alderman Copps. -1. **CARRIED.**

* * * * *

FEB 5 1999

Section 12 Re: Signage at selected outdoor sports fields

Recorded vote.

GOVERNMENT DOCUMENTS

YEAS: Mayor Morrow, Aldermen Kiss, Caplan, Horwath, Corsini, Morelli, Haining, Wilson, Eisenberger, Collins, Charters, Jackson, Anderson, Kelly, D'Amico, O'Sullivan. -16.

NAYS: Alderman Copps. -1.

CARRIED.

PLANNING AND DEVELOPMENT COMMITTEE – TWENTY –SECOND REPORT

Section 12 Re: ASAP Holdings – King Street East

Recorded vote.

YEAS: Mayor Morrow, Aldermen Caplan, Horwath, Corsini, Morelli, Haining, Eisenberger, Collins, Charters, Jackson, Anderson, Kelly, D'Amico, O'Sullivan. -14.

NAYS: Aldermen Kiss and Copps. -2.

CARRIED.

PLANNING AND DEVELOPMENT COMMITTEE – TWENTY-THIRD REPORT

FINANCE AND ADMINISTRATION COMMITTEE – TWENTY-FOURTH REPORT

Section 5 Re: Rosedale Tennis Club Arrears

It was moved by Mayor Morrow and seconded by Alderman Eisenberger that Section 5 of the Twenty-Fourth Report for 1998 of the Finance and Administration Committee be deleted in its entirety, and the following inserted in lieu thereof:

5. That as referred to in Section 10 of the Eleventh Report for 1998 of the Parks and Recreation Committee, approved by City Council on November 10th, 1998, that an amount of \$11,900 representing utility arrears owing by the Rosedale Tennis Club for 1984 be written off and charged to Account CH 15401, Write Offs.

Recorded vote.

YEAS: Mayor Morrow, Aldermen Kiss, Caplan, Horwath, Corsini, Morelli, Haining, Eisenberger, Charters, Jackson, Anderson, Kelly, D'Amico, O'Sullivan. -14.

NAYS: Aldermen Copps, Wilson, Collins. -3.

CARRIED.

* * * * *

Section 6 (a) Re: Declaration of Interest – Alderman R. Corsini

Alderman R. Corsini declared personal interest in, took no part in the debate and refrained from voting on this matter. Alderman Corsini was a former member of the Jamesville B.I.A.

* * * * *

Section 8 (g) Re: Homelessness

It was moved by Alderman Horwath and seconded by Alderman Kelly that Section 8 of the Twenty-Fourth Report for 1998 of the Finance and Administration Committee be deleted in its entirety, and the following inserted in lieu thereof:

- (a) That the Federal Government be requested to declare homelessness a National Disaster which requires immediate short and long term relief, and that the Federal, Provincial, and Municipal Governments co-operate to develop and implement a National Homelessness Relief and Prevention Strategy; and,
- (b) That there be a call for immediate Federal action on this front, including action on the creation of a senior Federal Cabinet Committee with a clear mandate, and the necessary resources to take action; and,
- (c) That FCM's request for a meeting with the Federal Cabinet Committee dealing with the housing and homelessness to discuss the option document and an Action Plan, be endorsed; and,
- (d) That a meeting be scheduled with the appropriate M.P.'s and M.P.P.'s in our area to address this issue; and,
- (e) That the creation of a National Homelessness issue Web Site developed as part of the FCM web site, with links to good local sites across the country including information on local solutions and best practices for housing be endorsed and that a link to the Region's own Web page be included; and,

- (f) That FCM be requested to put the critical issue of housing and homelessness on the agenda of a full FCM Plenary Session, at the 62nd Annual Meeting of the FCM (June 4-7, 1999) in Halifax; and,
- (g) That Council, designate a senior staff (policy) person for input into a "National Housing Policy Options" Team at FCM who will develop, within 3 months, a document of real options for national circulation; and,
- (h) That the Province of Ontario be requested to increase total funding to Municipalities for homelessness initiatives and that the funding allocation be revised to more accurately address need for services.

* * * * *

Section 8 (g) Re: Homelessness

It was subsequently moved by Alderman Wilson and seconded by Alderman Collins that Subsection (g) of the Twenty-Fourth Report of the Finance and Administration Committee be amended to replace the words "a Senior staff (policy) person" with the words as follows: "Mark Mascarenhas".

CARRIED AS AMENDED.

* * * * *

Section 10 Re: Non binding mediation – Ontario Court General Division

It was moved by Alderman Wilson and seconded by Alderman Copps that Section 10 of the Twenty-Fourth Report for 1998 of the Finance and Administration Committee be amended to include the following after the numbers "12037/96" in sub-section (a):

"St. Elizabeth Home Society (Hamilton, Ontario) v The City of Hamilton, et al"

CARRIED.

* * * * *

Section 13 Re: Rule No. 9 - Computer Aided Dispatch System

It was moved by Alderman Wilson and seconded by Alderman O'Sullivan that Rule No. 9 of the City's Procedural By-law be invoked for this meeting of City Council in order to permit consideration of a resolution respecting the purchase of a computer aided dispatch system/upgrade for the Fire Department in conjunction with the Hamilton/Wentworth Region Police Services Board.

CARRIED.

* * * * *

Section 13 Re: Computer Aided Dispatch

It was moved by Alderman Wilson and seconded by Alderman O'Sullivan that the following be added as Section 13 of the Twenty-Fourth Report for 1998 of the Finance and Administration Committee:

- (a) That the General Manager, Community Services and the Acting Fire Chief be authorized to enter into agreements, in conjunction with the Hamilton-Wentworth Region Police Services Board, with Intergraph Public Safety Canada Ltd. for the supply, installation and servicing of a computer aided dispatch system; and,
- (b) That the General Manager, Community Services and the Acting Fire Chief be authorized to enter into leasing arrangements with a preferred vendor to be chosen from a Request for Proposals undertaken by the Police Services Board and closing on 1998 December 9; and,
- (c) That these arrangements be in a form satisfactory to the Municipal Solicitor; and,
- (d) That the costs totalling \$599,400.21 for the system and ancillary costs related to the set up of the system, as confirmed in a quote received by the preferred vendor be financed from Account Number 4010 489151003 – Computer Aided Dispatch.

* * * * *

It was subsequently moved by Alderman Wilson and seconded by Alderman Charters that Section 13 of the Twenty-Fourth Report for 1998 of the Finance and Administration Committee be referred to the Finance and Administration Committee. **CARRIED.**

* * * * *

Section 14 Re: Rule No. 9 - Canadian Trade Law

It was moved by Alderman Horwath and seconded by Alderman Wilson that Rule No. 9 of the City's Procedural By-law be invoked for this meeting of City Council in order to allow consideration of a resolution respecting Canadian Trade Law. **CARRIED.**

* * * * *

Section 14 Re: Canadian Trade Law

It was moved by Alderman Horwath and seconded by Alderman Wilson that the following be added as Section 14 of the Twenty-Fourth Report for 1998 of the Finance and Administration Committee:

Whereas the Asian and Russian economic crises have contributed to a flood of steel imports into Canada at record-low prices; and,

Whereas the value of steel imported from Russia increased by 50 percent in the first half of 1998 over the first half of 1997; imports from Japan increased by 57 percent; and imports from Korea increased by over 500 percent in the first eight months of 1998 alone; and,

Whereas prices for almost every primary steel product have dropped by as much as 25 percent since the beginning of 1998; and,

Whereas the low-price imported steel threatens the viability of every steel producer in Canada; and,

Whereas the potential impact on our community and its families of the growing steel imports crisis is devastating, threatening thousands of jobs directly and indirectly;

Therefore be it resolved that the City of Hamilton calls on the Canadian government to apply Canadian trade law quickly and effectively against this blatantly unfair competition, and further, to consider and explore any other extraordinary measure possibly available to Canada under its various trade agreements to deal with this unacceptable threat to our community's future.

CARRIED.

NOMINATING COMMITTEE – EIGHTH REPORT

Appointments to:
HECFI
COMMITTEE OF ADJUSTMENT
SELECTION COMMITTEE
HAMILTON HEALTH SCIENCES CORPORATION

ACTING MAYOR FOR THE MONTH OF JANUARY, 1999

It was moved by Alderman Kiss and seconded by Alderman Copps that Alderman B. Kelly be appointed Acting Mayor for the month of January, 1999.

CARRIED.

It was moved by Alderman Kiss and seconded by Alderman Copps that the Report of the Committee of the Whole on the Reports of the Transport and Environment Committee, the Parks and Recreation Committee, the Planning and Development Committee, the Finance and Administration Committee, the Nominating Committee, and resolutions, be adopted.

Recorded vote.

YEAS: Mayor Morrow, Aldermen Kiss, Caplan, Horwath, Corsini, Morelli, Haining, Copps, Wilson, Eisenberger, Collins, Charters, Jackson, Anderson, Kelly, D'Amico, O'Sullivan. -17.

NAYS: -0.

CARRIED.

* * * * *

City Council then adjourned at 9:40 o'clock p.m.

* * * * *

Taken as read and approved.

**MAYOR R. M. MORROW
CHAIRMAN**

**J. J. Schatz
Municipal Clerk
1998 December 8
JJS/dg**

REPORT OF THE TRANSPORT AND ENVIRONMENT COMMITTEE

To the Council of the Corporation of the City of Hamilton

Members of Council:

The Transport and Environment Committee presents its **FOURTEENTH** Report for 1998 and respectfully recommends:

1. That the appropriate By-law be prepared to the satisfaction of Corporate Counsel, to stop-up and close a portion of Scenic Drive being described as Parts 1, 2 and 3, on Plan 62R-14782:
 - (a) retaining Parts 1 and 3, on Plan 62R-14782; and,
 - (b) selling Part 2, on Plan 62R-14782be enacted by Council.
2. That a "Wheelchair Loading Zone, 8:00 a.m. to 6:00 p.m., Seven Days a Week" regulation be implemented on the west side of Edgemont Street North commencing at a point 23 feet south of Dunsmure Road and extending to a point 26 feet southerly therefrom, and that the City Traffic By-law No. 89-72 be amended accordingly.
3. That the existing "Permit Parking" regulation on the both sides of Brant Street between Wentworth Street and Niagara Street be replaced with a "One Hour Parking Time Limit, 24 hours a day, seven days a week" regulation and that the City Traffic By-law No. 89-72 be amended accordingly.
4.
 - (a) That the existing "Alternate Side Parking" regulation on Tragina Avenue North be replaced with a full-time "No Parking" regulation on the west side of the street, commencing at Britannia Avenue and extending to a point 260 feet northerly therefrom, and a full-time "Permit Parking" regulation on the east side of the street, commencing at Britannia Avenue and extending to a point 263 feet northerly therefrom, and that the City Traffic By-law, No. 89-72, be amended accordingly; and,
 - (b) That the Commissioner of Public Works and Traffic be authorized and directed to issue, upon request, up to a maximum of eight parking permits to eligible applicants whose properties abut the requested regulation.

5. (a) That a "Permit Parking" regulation be implemented on the east side of Ray Street North commencing at a point 212 feet north of York Boulevard and extending to a point 17 feet northerly therefrom, and that the City Traffic By-law No. 89-72 be amended accordingly; and
(b) That the Commissioner of Public Works and Traffic be authorized to issue one parking permit to Mr. Ron DePaulo, No. 144 Ray Street North.
6. That the existing "No Stopping, 4:00 p.m. to 6:00 p.m., Monday to Friday" regulation on the west side of Bay Street North between Strachan Street and Burlington Street West be removed, and that the City Traffic By-law No. 89-72 be amended accordingly.
7. (a) That a "Permit Parking" regulation be implemented on the west side of Fairfield Avenue commencing at a point 471 feet north of Vansitmart Avenue and extending to a point 19 feet northerly therefrom, and that the City Traffic By-law No. 89-72 be amended accordingly; and,
(b) That the Commissioner of Public Works and Traffic be authorized to issue one parking permit to Mrs. Sherri Blainey, No. 409 Fairfield Avenue.
8. That the existing full-time "Wheelchair Loading Zone" regulation on the east side of Ferndale Avenue commencing at a point 121 feet south of Dunkirk Drive and extending to a point 28 feet southerly therefrom be relocated such that the regulation commences 140 feet south of Dunkirk Drive and extends to a point 28 feet southerly therefrom, and that the City Traffic By-law No. 89-72 be amended accordingly.
9. (a) That an "Alternate Side Parking" regulation be implemented on Colin Crescent from end to end such that parking is prohibited:
 - (i) on the west side of the street during the months of December, January, February and March, and from the 1st to the 15th day of April, May, June, July, August, September, October and November; and,
 - (ii) on the east side of the street from the 16th to the last day of April, May, June, July, August, September, October and November; and,
(b) That the City Traffic By-law No. 89-72 be amended accordingly.
10. That the existing eastbound and westbound stop control on Brigade Drive at Republic Avenue be removed and that the City Traffic By-law No. 89-72 be amended accordingly.

11. That a purchase order be issued to Canadian Corps of Commissionaires (Hamilton) for parking enforcement services for 1999, in accordance with the conditions of the vendor's quote attached hereto as Appendix "A" as follows:

Master Warrant Officer - \$12.64/hr

Commissionaire - \$11.27/hr

12. That a full-time "No Stopping" driveway clearance be implemented on the north side of Brampton Street, commencing at a point 181 feet west of Brighton Avenue and extending to a point 140 feet westerly therefrom, and that the City Traffic By-law No. 89-72 be amended accordingly.

13. That the existing "Taxi Stand, 7:00 a.m. to 6:00 p.m., Monday to Friday" regulation on the west side of Hess Street North commencing at a point 82 feet north of York Boulevard and extending 60 feet northerly be removed, and that the City Traffic By-law No. 89-72 be amended accordingly.

14. That a purchase order be issued to 3M Canada Inc., London, Ontario, for the supply and delivery of traffic sign sheeting as and when required during 1999 by the Public Works and Traffic Department, as per the prices submitted by 3M Canada Inc. on their tender dated 1998 January 6, being a continuation of pricing received and approved in 1998, and that this expenditure be financed through the Traffic Signs Materials Account No. CH-56154 75999.

15. (a) That the following Hamilton Street Railway (HSR) bus stops be installed:

Route No. 56 CONFEDERATION PARK

Add - Northbound Centennial Parkway North, east side, 47 feet south of Arrowsmith Road (N/S); and,

Add - Northbound Centennial Parkway North, east side, 62 feet south of Goderich Road (N/S); and,

Add - Southbound Centennial Parkway North, west side, 19 feet north of Goderich Road (N/S); and,

Add - Southbound Centennial Parkway North, west side, 49 feet north of Arrowsmith Road (N/S); and,

- (b) That the City Traffic By-law No. 89-72 be amended accordingly.

16. (a) That the City land being part of Lots 21, 22 and 23, Registered Plan 1431, designated as Part 5, on Plan 62R-10520 be incorporated into an existing 12 foot alley lying immediately north of said Lots 21, 22 and 23; and,
 - (b) That the By-law to carry out the incorporation of the said land into the foregoing alley be prepared to the satisfaction of the Corporate Counsel and be enacted by Council; and,
 - (c) That the Commissioner of Transportation be authorized and directed to register the By-law.
-
17. (a) That the portion of Section 9 of the Ninth Report of the Transport and Environment Committee for 1990 adopted by City Council 1990 June 26 which refers to the approval of engineering schedules for "**Effort Gardens**", **Hamilton**, be deleted; and,
 - (b) That the revised submitted schedules of works be adopted for inclusion in the Subdivision Agreement with the Owner for the estimated costs of services in:

"Effort Gardens - Phase 1, Hamilton

City's share \$ 86,049.68, Owner's share \$ 781,439.32; and,

- (c) That the Mayor and City Clerk be authorized and directed to execute the proposed Subdivision Agreements with the Owners of "Effort Gardens -Phase 1", , Hamilton, as well as and any other related documents for these Subdivisions subject to the approval of the City Solicitor; and,
 - (d) That the approval of the above-noted clauses be subject to the condition that no work be commenced until the Final Plan and Subdivision Agreement have been registered; and,
 - (e) In the event that the owner wishes to proceed prior to the registration of the Final Plan and Subdivision Agreement being registered the owner should be allowed to do so at their own risk provided that the owner enters into a standard agreement with the City of Hamilton for pre-servicing.
-
18. That purchase orders be issued to 2000 April 30, for the rental of additional labour and equipment for snow removal, in accordance with the specifications issued by the Purchasing Division and Vendor's tenders, detailed in the attached Appendix "B", and that this expenditure be financed through the Hired Equipment Clearing Account No. CH56602 60999.

19. That purchase orders be issued for the supply and delivery of treated sand as and when required for the 1998-1999, 1999-2000, 2000-2001 winter seasons by the Department of Public Works and Traffic in accordance with specifications issued by purchasing and vendors' tenders and be financed through stock materials account no. CH 56197 60999, as follows:

Washington Sand & Gravel 1998		1999	2000
Delivered by Truck	\$17.32/tonne	\$17.84/tonne	\$18.37/tonne

20. (a) That the Regional Environmental Services Department be advised that the City wishes to renew the lease of Regional lands at Nos. 77-79 Mary Street for the purpose of operating two municipal car parks; and,
- (b) That Car Park No. 29, which occupies the property at No. 79 Mary Street, be closed at least temporarily.
21. (a) That Municipal Car Park No. 39A, 314 Grosvenor Avenue North, be reopened on a trial basis for six months; and,
- (b) That staff be directed to report back on the financial viability of keeping this municipal car park open on a permanent basis at the end of the six month trial period; and,
- (c) That the Municipal Parking Facilities By-law No. 98-110 be amended to provide parking at the rate of \$0.50 per hour at this location.
22. (a) That the parking rates at Car Park No. 7 (Main Street East and Ferguson Avenue South) and Car Park No. 8 (King Street East and Jarvis Street) be decreased as follows:
- (i) from \$1.10 per hour to \$0.50 per hour; and,
- (ii) from \$64.49 per month to \$50.00 per month; and,
- (b) That a \$3 maximum daily rate be established for these lots; and,
- (c) That the Municipal Parking Facilities By-law No. 98-110 be amended accordingly.

23. (a) That approval be granted to the Hamilton Street Railway Company to enter into a Licence Agreement to construct and maintain a 5 foot by 11 foot bus shelter located on City lands on the north side of Mohawk Road East and Upper Wentworth Street (Sackville Hill Seniors' Centre), at an annual fee of \$1, be credited to Account No. CH 44104 31106 (Rent/Fees – Civic Property); and,
- (b) That it be understood and agreed that the Hamilton Street Railway Company remove said bus shelter if required by the City for any purpose, given thirty (30) days written notice without reservation; and,
- (c) That it be understood and agreed that upon execution of the Transit Shelter Licence Agreement, the Hamilton Street Railway Company agrees to register said Agreement on Title to the City's lands and provide the City with a duplicate registered copy of said Agreement; and,
- (d) That the Mayor and Municipal Clerk be authorized and directed to execute the necessary Licence Agreement in a form satisfactory to the Corporate Counsel.
24. (a) That the Commissioner of Public Works and Traffic be authorized and directed to issue a purchase order to H.I.P. Hot-in-Place Recycling Equipment Inc. in the amount of \$63,928.75 exclusive of GST for extra work in conjunction with the 1998 H.I.P. Program; and,
- (b) That the additional cost be charged to the 1998 Reconstruction Program – Hot-in-Place Asphalt Recycling – Account CF 5200 529842013.
25. That the City of Hamilton indicate to the Regional Municipality of Hamilton-Wentworth its support for a demonstration project showing the advantages and effects of narrowing King Street West, James Street to Bay Street, from five lanes to three, to be achieved using on-street parking and loading, to be undertaken as soon as practicable and to be funded from the Region's Smart Moves account.

Recorded vote.

YEAS: Mayor Morrow, Aldermen Caplan, Horwath, Corsini, Morelli, Wilson, Collins, Eisenberger, Jackson, Charters, D'Amico, O'Sullivan. -12.

NAYS: Aldermen Kiss, Haining, Copps, Anderson, Kelly. -5.

CARRIED.

26. That three way stop control be implemented at the intersection of Highridge Avenue and Isle Street and that the City Traffic By-law No. 89-72 be amended accordingly.

27. (a) That the "Two Hour Free Parking" program in the York Boulevard Parkade be continued; and,
- (b) That staff monitor and report back annually on the effects that this program is having on the usage of the York Boulevard Parkade.

Recorded vote.

YEAS: Mayor Morrow, Aldermen Kiss, Caplan, Horwath, Corsini, Morelli, Haining, Copps, Eisenberger, Collins, Jackson, Anderson, Kelly, D'Amico, O'Sullivan.
-15.

NAYS: Aldermen Wilson and Charters. -2.

CARRIED.

28. (a) That the Department of Public Works and Traffic, Parking Services Section 1998 Current Budget, (Appendix "C" as distributed to Council under separate cover) reflecting a deficit of \$734,420 be approved to be transferred to the Reserve for Off-street Parking; and,
- (b) That the Commissioner of Public Works and Traffic be directed to develop and recommend a business plan to retire the debt and capital loan balance.
29. (a) That staff be authorized and directed to negotiate the terms and conditions under which MetroNet Communications Limited would be permitted to place and maintain cable on, under and above City of Hamilton streets, and to utilize the facilities of other existing utility companies, for the purposes of establishing and maintaining a system of telecommunications within the City; and,
- (b) That pending the execution of the aforesaid Licence Agreement, MetroNet Communications Limited may be permitted to place and maintain cable on, under and above City of Hamilton streets, at their own expense and liability, and on the condition that any such cable may be required to be removed at any time at the expense of MetroNet Communications Limited upon notice by the City, upon the issuance of a permit by the Commissioner of Transportation upon such terms and conditions as he deems appropriate; and,
- (c) That the City of Hamilton Council endorse AMO Resolution 05-98 which recognizes that "private use of public lands must not result in costs or liabilities to property tax payers and that municipalities must be compensated for the use of these public lands", and forward this endorsement to the Province.
- (d) That the Transport and Environment Committee be requested to investigate the feasibility and cost of requiring the placement of all utility wires and cables underground. **ADDED.**

Recorded vote on Section 29 as amended.

YEAS: Mayor Morrow, Aldermen Caplan, Horwath, Corsini, Morelli, Haining, Wilson, Eisenberger, Collins, Charters, Jackson, Anderson, Kelly, D'Amico, O'Sullivan. -15.

NAYS: Aldermen Kiss and Copps. -2.

CARRIED.

30. (a) That a "Permit Parking" regulation be implemented on the west side of Niagara Street commencing at a point 50 feet north of Brant Street and extending to a point 105 feet northerly therefrom and that the City Traffic By-law No. 89-72 be amended accordingly; and,
- (b) That the Commissioner of Public Works and Traffic be authorized to issue two parking permits to No. 57 Niagara Street and one parking permit to No. 59 Niagara Street (to a maximum of three) on a first come first served basis.
31. That four way stop control be implemented at the intersection of Sherwood Rise and High Street and that the City Traffic By-law No. 89-72 be amended accordingly.
32. That staff issue a one time limit exemption permit to Mr. P. Haylock, No. 72 Nicklaus Drive.
33. (a) That, as a result of the Province no longer funding Municipal road construction for which Provincial gasoline tax and tire tax (\$5 per tire) is collected, the Province be requested to turn over to municipalities all revenues collected through this taxation; and,
- (b) That this resolution be forwarded to A.M.O. for consideration." **ADDED.**
34. That the following Bills be adopted, signed, sealed and enrolled as By-laws:
- (a) A-80 A By-law to Amend Traffic By-law No. 89-72 to Regulate Traffic
- (b) A-81 A By-law to Amend Traffic By-law No. 89-72 to Regulate Traffic
- (c) A-82 A By-law to Amend By-law No. 98-110 Respecting the Construction, Maintenance, Operation, Management and Regulation of Municipal Parking Facilities

- (d) A-83 A By-law to Stop-up and Close a Portion of Scenic Drive Designated as Parts 1, 2 and 3 on Plan 62R-14782 and to retain Parts 1 and 3 on Plan 62R-14782, and to sell Part 2, on Plan 62R-14782
- (e) A-84 A By-law to Incorporate City Land Designated as Part 5, on Plan 62R-10520 into an existing alley

Respectfully Submitted,

**ALDERMAN CHAD COLLINS, CHAIRMAN
TRANSPORT AND ENVIRONMENT COMMITTEE**

**Tina Agnello
Acting Secretary
1998 November 30**

Appendix "A" as referred
to in Section 11 of the
Fourteenth Report of the
Transport and Environment
Committee for 1998

CITY OF HAMILTON
BY-LAW ENFORCEMENT

	REGULAR RATE	OVERTIME RATE	STAT HOLIDAY WORKED	STAT HOLIDAY NOT WORKED
Warrant Officer	\$10.19	\$15.29	\$25.48	\$10.19
Administrative Fee 24%	2.45	3.67	6.11	2.45
Billing Rate	\$12.64	18.96	31.59	12.64
	REGULAR RATE	OVERTIME RATE	STAT HOLIDAY WORKED	STAT HOLIDAY NOT WORKED
Sergeant	\$9.84	\$14.76	\$24.60	\$9.84
Administrative Fee 24%	2.36	3.54	5.90	2.36
Billing Rate	\$12.20	\$18.30	\$30.50	\$12.20
	REGULAR RATE	OVERTIME RATE	STAT HOLIDAY WORKED	STAT HOLIDAY NOT WORKED
Commissionaire	\$9.09	\$13.64	\$22.73	\$9.09
Administrative Fee 24%	2.18	3.27	5.45	2.18
Billing Rate	\$11.27	16.91	28.18	11.27

NOTE: The GST (7%) is to be added to the Billing Rate.

Rental of Grading Equipment - Winter

Appendix "B" as referred
to in Section 18 of the
Fourteenth Report of the
Transport and Environment
Committee for 1998

Motor Graders c/w Snow Plough Snow Wing				
Hourly Rate Ceiling Cap	1998-99	1999-2000		
	\$160.00	\$164.00		
Name	Qty.	Rates	1998-99	1999-2000
E. Woytkiw Haulage Ltd.	1		\$160.00	\$164.00
NRG	2		\$160.00	\$164.00
Battaglia Contracting	2		\$160.00	\$164.00

Motor Graders Only				
Hourly Rate Ceiling Cap	1998-99	1999-2000		
	\$148.00	\$152.00		
Name	Qty.	Rates	1998-99	1999-2000
Battaglia Contracting	2		\$148.00	\$152.00
Danbill Equipment	1		\$147.00	\$152.00
Bill Price Grader Rentals	1		\$148.00	\$152.00
DVC Enterprises	1		\$148.00	\$152.00

Rubber Tired Front End Loaders Min. 950 Cat or Equiv. c/w Blade				
Hourly Ceiling Cap	1998-99	1999-2000		
	\$135.00	\$138.00		
Name	Qty.	Rates	1998-99	1999-2000
Battaglia Contracting	2		\$135.00	\$138.00

Rubber Tired Articulating Loaders min. 950 Cat or Equiv. c/w Blade				
Hourly Ceiling Cap	1998-99	1999-2000		
	\$135.00	\$138.00		
Name	Qty.	Rates	1998-99	1999-2000
T&H Truck Service	1		\$135.00	\$138.00
Battaglia Contracting	2		\$135.00	\$138.00

Rubber Tired 4WD Front End Loaders Min 580K Case c/w Blade				
Hourly Ceiling Cap	1998-99	1999-2000		
	\$75.00	\$77.00		
Name	Qty.	Rates	1998-99	1999-2000
E. Woytkiw Haulage Ltd.	1		\$75.00	\$77.00
Serbula Construction Ltd.	1		\$75.00	\$77.00
Chastney Haulage & Excavating	1		\$75.00	\$77.00
Battaglia Contracting	2		\$75.00	\$77.00

REPORT OF THE PARKS AND RECREATION COMMITTEE

To the Council of the Corporation of the City of Hamilton

Members of Council:

The Parks and Recreation Committee presents its **TWELFTH** Report for 1998 and respectfully recommends:

1. (a) That the final Report entitled "Market and Operations Study for Hamilton's Aviary" dated November 1998 as prepared by Roger Jones and Associates and the Economic Planning Group of Canada be received pending consideration of project status by the RBG; and,

(b) That subject to the determination of the City Manager, staff be authorized to meet with RBG representatives and other possible partners for the purpose of advancing study findings.

(c) That sites in the City of Hamilton also be included in any assessment of where the future location of the Aviary might occur. **ADDED.**
2. (a) That the General Manager, Community Services be authorized to enter into a second licence agreement in a form satisfactory to the City Solicitor for use of space at the Hamilton Scourge Laboratory, located at McMaster University, by an outside Conservator for a period of 12 months commencing December 1, 1998 on an exchange of services for rent basis; and,

(b) That the Mayor and the Municipal Clerk be authorized to execute the agreement on behalf of the City.
3. That approval of the action taken by the General Manager, Community Services to contract Hands Fireworks Inc. to hold a ground level fireworks display on November 24th, 1998 at Commonwealth Square as part of the Hamilton Tiger Cat Appreciation Parade and Rally, be approved as required by Section 17 (1) and Section 26 of the Fireworks By-Law No. 90-198 and Section 5 of the Parks By-Law No. 95-126 as amended, and under the Standard Terms and Conditions of the Special Events Guidelines.
4. (a) That the General Manager, Community Services be authorized to sell, through a seller agent, a City owned Freeze Dryer; and,

- (b) That the funds realized through the sale be directed to a Work-In-Progress account to be used for the conservation and preservation of the City of Hamilton museum collections.

- 5. (a) That approval be granted to the following Community Councils to conduct horse drawn wagon rides, bonfires, skating parties, lumberjack games/demonstrations and various large Winterfest family activities on the dates listed below:

<u>COMMUNITY COUNCIL</u>	<u>DATE/99</u>	<u>LOCATION</u>
North Central	January 23	North Central Park
Friends of Gage Park	January 30	Gage Park
Gourley Park	January 30	Gourley Park
Riverdale	January 30	Warden Park
St. Clair	January 31	Myrtle Park
Eleanor	January 31	Eleanor Park
Strathcona	January 31	Victoria Park

; and,

- (b) That approval be granted to hold midway rides in the Leander Boat Club parking lot on February 5, 6, 7, 1999 as part of the Winterfest Carnival, subject to the Special Event Guidelines Terms and Conditions; and,

- (c) That permission be granted, as required by Parks By-Law No. 95-125, as amended, Section 5, 12 (a) and Section 35 to hold a fireworks display, bonfires and bring animals into Chedoke Winter Sports Park and Pier 4 Park on February 5, 6, 7, 1999 and in the specified parks referenced above.

- 6. That a blanket order be issued for the supply of food products for the Food Services Section within the Culture and Recreation Department during 1998 – 1999 to an upset limit of \$400,000, divided among the companies mentioned below on the basis of best product, price and delivery service at time of purchase of commodity:

- (a) Allind (Harper), Hamilton
- (b) Serca, Hamilton
- (c) Lincs Wholesale, Hamilton
- (d) Finlay Greenwood, Hamilton
- (e) Flanagans Foodservices, Hamilton
- (f) J & D Foods Produce, Hamilton
- (g) Hershey Canada Foodservices, Hamilton
- (h) Nestle Canada Foodservices, Hamilton
- (i) GT French, Hamilton
- (j) Golden Horseshoe, Burlington

- (k) Hamilton Baking Company, Hamilton
- (l) Wally Parr Sausage, Hamilton
- (m) Nelson Laundry, Hamilton
- (n) Effem Canada, Bolton
- (o) Wonderland Foodservices Company, Mississauga

7. (a) That a one-sided plaque commemorating the historical significance of the Pioneer Memorial United Church congregation site, the wording of which is attached hereto and marked Appendix "A", be approved and later installed at the Bartonville Cemetery facing King Street East; and,
- (b) That a one-sided plaque commemorating the historical significance of the St. Clair Avenue and the St. Clair Boulevard Heritage Conservation Districts, the wording of which is attached hereto and marked as Appendix "B", be approved and later installed on the Boulevard at Delaware Avenue and St. Clair Boulevard; and,
- (c) That funding in the amount of \$4,000 be provided from Account No. CH 55976 71505 (Plaquing Account) with the St. Clair Avenue/St. Clair Boulevard Heritage Conservation Districts and the congregation of Pioneer Memorial Church each contributing an additional \$500 (approximate) plus installation costs towards the purchase of these plaques.

8. (a) That the following citizen members be appointed to serve on the Arts Advisory Commission:

Jim Auty	for a term to expire 2000 November 30
Les Drysdale	for a term to expire 2001 November 30

- (b) That the following citizen members be appointed to serve on the Hamilton Historical Board:

Kathy Renwald	for a term to expire 1999 November 30
Tom Cooper	for a term to expire 2001 November 30
David DiGregorio	for a term to expire 2001 November 30
Robin McKee	for a term to expire 2001 November 30
Walter Peace	for a term to expire 2001 November 30

9. (a) That the Tariff of Charges for City-owned cemeteries as set out in the Schedule of User Fees and Other Revenues, attached hereto and marked Appendix "C", be approved upon receipt of approval from the Ministry of Consumer and Commercial Relations, Cemeteries Branch and implemented on January 1, 1999; and,

- (b) That the City Solicitor be authorized and directed to prepare a By-Law to amend the Cemetery By-Law so as to provide for the increase in the Tariff of Charges; and,
 - (c) That the Manager of Cemeteries be authorized and directed to make application to the Ministry of Consumer and Commercial Relations, Cemeteries Branch for approval of these rates; and,
 - (d) That the increased User Fee Revenues be a component in the 1999 Department Current Budget Reductions.
10. (a) That the Affiliation Policy – Hamilton Minor Sports Organizations, attached hereto and marked Appendix "D" be approved; and
- (b) That the General Manager, Community Services be authorized and directed to implement this Policy among the City's minor sports organizations.
11. (a) That the City's Agreement of Purchase & Sale with the Hamilton Region Conservation Authority respecting the City's purchase of lands on Hamilton Beach from the Conservation Authority be amended as outlined below, to accommodate:
- (i) anticipated revised conditions of the Ministry of Natural Resources' approval of this transaction; and,
 - (ii) the Ministry of Transportation's surveys requirements in respect of the former MTO surplus lands included in the City's purchase from the HRCA; and,
 - (iii) the City's acquisition of the extensive lands from the HRCA;
- (b) That the MNR Provincial share of the selling costs, after being received by the HRCA, be forwarded by the Authority to the Waterfront Regeneration Fund or alternatively, be held by the Hamilton Region Conservation Authority in a reserve designated for the Hamilton Beach Recreational Trail; and,
- (c) That all references in the Agreement of Purchase & Sale to the Waterfront Regeneration Fund holding the said funds for application to the Waterfront Trail also apply to the Hamilton Region Conservation Authority in the event the Minister directs such purchase funds to the Conservation Authority; and,
- (d) That those MTO surplus lands to be acquired by the HRCA and to be included in HRCA's sale to the City, be acquired by the City, (if necessary to accommodate MTO's requirements for its surveys and transfers to HRCA) at a date subsequent to the City's acquisition and payment for those lands already owned by the HRCA.

- (e) That to accommodate the City's acquisition of the HRCA's extensive land holdings, the City accept HRCA's transfer together with the HRCA's covenant to the City that in the event following closing of the transaction, an unforeseen title matter subsequently arises, that HRCA will take all necessary steps to respond, including re-adjustments if necessary;
- (f) That the new closing date for the City's \$1,018,685. purchase of the HRCA's 159 Beach properties be extended to on or before January 29, 1999, and the closing date for the City's \$1 purchase from the HRCA of the surplus MTO Beach lands, be extended to February 26, 1999.
- (g) That the Mayor and City Clerk be authorized to execute the City's Amending Agreement with the Conservation Authority incorporating the foregoing in a form satisfactory to the City/Regional Solicitor.

Recorded vote.

YEAS: Mayor Morrow, Aldermen Kiss, Caplan, Horwath, Corsini, Morelli, Haining, Wilson, Eisenberger, Collins, Charters, Jackson, Anderson, Kelly, D'Amico, O'Sullivan. -16.

NAYS: Alderman Copps. -1.

CARRIED.

- 12. (a) That the Commissioner of Public Works and Traffic be authorized to investigate the feasibility of permitting advertising signage at selected outdoor sports fields; and,
- (b) That staff report back to Committee with recommendations on project status specifying, if appropriate, candidate sites, terms, selection process and estimated financial implications.

Recorded vote.

YEAS: Mayor Morrow, Aldermen Kiss, Caplan, Horwath, Corsini, Morelli, Haining, Wilson, Eisenberger, Collins, Charters, Jackson, Anderson, Kelly, D'Amico, O'Sullivan. -16.

NAYS: Alderman Copps. -1.

CARRIED.

- 13. (a) That the list of P.A.L.Z. fundraising initiatives dated November 1998 as described in the Schedule attached hereto and marked Appendix "E" be accepted; and,

- (b) That the General Manager, Finance be requested to recommend the method of interim financing in the form of a loan to an upset limit of \$15,000 for the purpose of undertaking site development work at the approved pilot project site in 1999; and,
 - (c) That the General Manager, Finance recommend appropriate accounting procedures relative to the receipt of revenues to be generated annually through the sale of dog licences by the SPCA for the express and purpose of funding development and upkeep of leash free sites; and,
 - (d) That the City Solicitor be authorized to amend By-law No. 85-148 as amended respecting Dog Licence Fees increasing each category by \$1 effective January 1, 1999 in accordance with the Schedule attached herewith and marked Appendix "F".
14. (a) That in connection with the City's Agreement of Purchase & Sale with the Canadian National Railway Company for the City's purchase of the harbour shoreline portion of CNR's Stuart Street Yard (situate between Desjardins Canal and Bayfront Park), the City not exercise its right under the said Agreement to terminate the Agreement as a result of the property's environmental contamination on the basis of the Report "Site Specific Risk Assessment – West Harbour Waterfront Trail", October, 1998 prepared by Dillon Consulting Ltd.; and,
- (b) That in connection with the City's purchase of CNR's shoreline for a waterfront trail, Council also approved that two access easements be sold to CNR. To comply with the Real Property Sales Procedural By-law, which applies to the sale of the said easements:
- (i) the access easements to CNR are declared surplus to the City's requirements; and,
 - (ii) notice of the proposed access easements to CNR has been given by publication of the Council Agenda incorporating this resolution; and,
 - (iii) the two easements are exempt from being appraised as a result of Provincial Regulation which exempts sales for incidental uses to industrial operations; and,
 - (iv) the Municipal Clerk is authorized to sign a Certificate of Compliance incorporating the foregoing in accordance with the Real Property Sales Procedural By-law; and,

The two access easements being transferred to CNR are briefly described as follows:

1. An easement and right of way for vehicular access from the existing CNR service road turnaround upon the trail for CNR's access to inspect or maintain its rail bridge above Desjardins Canal; and,
 2. An easement and right of way for an existing driveway upon City land (Parts 23 and 24, 62R-12135,) between Harbour Front Drive and land retained by CNR.
15. That upon closing of the City's purchase of Waterfront land and waterlots from CN Rail, J.J. Barnicke be paid for services rendered in the amount of \$39,200 plus GST, from Account CF 409850013.
16. (a) That upon completion of the transfer of lands from the Hamilton Region Conservation Authority (HRCA) (including lands surplus to the MTO) to the City of Hamilton, as approved by City Council on December 11, 1997 the Manager of the Real Estate Division be authorized and directed to proceed with the disposal of those lands not required for municipal purposes in accordance with the Real Property Sales Procedural By-law No. 95-049; and,
- (b) That the sale of the lands be carried out in accordance with the following strategy:
- (i) those lands that form viable 1 and 2 family residential building lots within the appropriate residentially zoned areas are to be sold by public tender; and,
 - (ii) those building lots that are not sold through the public tender process will be placed for sale with the Real Estate Brokers presently retained by the City and listed through the Multiple Listing System with the Hamilton, Burlington and District Real Estate Board; and,
 - (iii) those lands that are to be developed for uses other than 1 and 2 family residential lots within the appropriate zoned areas are to be placed for sale with the Real Estate Brokers presently retained by the City and listed through the Multiple Listing System with the Hamilton, Burlington and District Real Estate Board; and,
 - (iv) those lands that are insufficient in dimension or area to be developed independently are to be offered for sale to the abutting property owners; and,
 - (v) those lands that are required for sewage pumping facilities being 377, 640, 809 and 984 Beach Boulevard be sold to the Regional Municipality of Hamilton-Wentworth; and,

- (c) That prior to the sale of these lands the following conditions are satisfied:
 - (i) a registered survey plan identifying each property to be sold; and,
 - (ii) a Master Drainage Plan Study addressing the flooding problems for both private and public properties on the Hamilton Beach; and,
 - (iii) an Infill Guideline Proposal for new housing on the Hamilton Beach; and,
- (d) That the Offer to Purchase Agreements for the sale of the 1 and 2 family lots include but not be limited to the following conditions:
 - (i) all development on the west (Bay) side of Beach Boulevard is to be in compliance with Zoning By-law No. 6593; and,
 - (ii) all Purchasers will be required to enter into a Lot Grading Agreement with the City of Hamilton Building Department prior to the issuance of a building permit; and,
 - (iii) all Purchasers acknowledging the potential of flooding in the Hamilton Beach Neighbourhood; and,
 - (iv) all Purchasers shall obtain and commence construction on the purchased lands within one (1) year of the purchase date with said construction to be completed within two (2) years of the date of purchase; and,
 - (v) should construction not have commenced within the one (1) year time period noted above, the City shall have the option to repurchase the property for the sale price (without any interest) – less (a) the deposit; (b) the commission paid (if any) by the transferor to a real estate agent; (c) arrears of realty taxes (including the local improvement charges), penalty and interest owing on them and further, without increase or compensation for costs of any improvements, additions, alterations, services or structures on, in or under the said lands; and,
 - (vi) all Purchasers shall agree not to transfer, grant, lease, licence or otherwise convey the purchased properties until such time as the residential building is wholly constructed and an occupancy permit has been issued; and,
- (e) That the Parks and Recreation Committee request the Planning and Development Committee to direct the appropriate staff to prepare a Terms of Reference for a Master Drainage Plan Study to address the flooding problem for both private and public properties on the west (Bay) side of Beach Boulevard at an estimated cost of \$20,000, the cost of which is to be charged to Account No. CF 5698 629750011 (Hamilton Beach Neighbourhood Plan Implementation).

17. (a) That City Council affirm its interest in declaring surplus City lands containing Barton Community Centre; and,
- (b) That the Manager of the Real Estate Division be authorized to circulate the properties to determine if there is any civic use or any restrictions and subsequently be authorized to negotiate the sale of the property with prospective purchasers; and,
- (c) That staff report back to the Parks and Recreation Committee with regards to the details of the terms and conditions of the sale, with specific reference to any alternative that might exist to provide interim public recreation use space on site; and,
- (d) That notwithstanding the City's policy of returning funds generated by the sale of City lands to the City's Reserve for Property Purchases Account, that the funds generated from the sale of the above referenced lands be dedicated to funding upgrades to the Walker Outdoor Pool, inclusive of meeting facilities; and that staff report back to the Committee on this possibility.
18. That the following Bill be adopted, signed, sealed and enrolled as a By-law:

B-2 A By-law to Amend By-law No. 85-148 respecting Dog Licence Fees

Respectfully Submitted,

**ALDERMAN BERNIE MORELLI, CHAIRMAN
PARKS AND RECREATION COMMITTEE**

**Susan K. Reeder
Acting Secretary
November 30, 1998**

Appendix "A" as referred to in Section 7 (a)
of the TWELFTH Report of the Parks
and Recreation Committee for 1998

BARTONVILLE CEMETERY

The Bartonville Cemetery site marks the earliest beginnings of the congregation of Pioneer Memorial United Church.

Circa 1824 pioneers, meeting under the leadership of Methodist Episcopal Church circuit preachers, built a wooden church which served them until it was destroyed by fire in 1846. On February 6, 1859, a brick church that replaced it was dedicated as Bartonville Methodist Episcopal Church.

On January 5, 1879, a new church, built on Kenilworth Avenue South, was dedicated as Bartonville Methodist Church, later named Kenilworth Avenue United Church. The brick church at the cemetery was moved in 1895 to Tweedside, where it now stands.

In the 1950's the population growth created the need for a larger church building. On January 18, 1959, a new church, built across from this cemetery, was dedicated as Pioneer Memorial Church to honour those pioneers who built so that future generations might be the beneficiaries.

In 1952 the City of Hamilton assumed responsibility for this cemetery.

URBAN MUNICIPAL

JAN 22 1999

GOVERNMENT DOCUMENTS

Appendix "B" as referred to in Section 7 (b)
of the TWELFTH Report of the Parks
and Recreation Committee for 1998

ST. CLAIR AVENUE AND ST. CLAIR BOULEVARD HERITAGE CONSERVATION DISTRICTS

In 1986 the St. Clair Avenue Heritage Conservation District was designated under the Ontario Heritage Act as Hamilton's first heritage district. The St. Clair Boulevard Heritage Conservation District was subsequently designated in 1993.

The Avenue Heritage District extends from Main Street to Delaware Avenue. The Boulevard Heritage District extends from Delaware Avenue to Cumberland Avenue.

The original parcels of land were owned and developed by George Rutherford, whose family home, known as "Fern Hill", was located on the north-east corner of St. Clair and Delaware Avenue. It was razed to complete the Avenue survey plan.

The construction of houses on St. Clair Avenue commenced in 1910, and on the Boulevard in 1913. Both Districts were mainly completed by 1930 with infill construction continuing until the 1940s.

The two Heritage Conservation Districts, with their period design homes and wide, tree-lined avenue and centre landscaped boulevard, reflect the influence of the "City Beautiful Movement" on early twentieth century residential development.

SCHEDULE OF USER FEES AND OTHER REVENUES

PUBLIC WORKS - CEMETERIES DIVISION

	1998				1999					
	Resident & Realty Taxpayers			Non-Residents	Resident & Realty Taxpayers			Non-Residents	% Increase Over 1998	
	Cost	G.S.T.	Total	Cost	G.S.T.	Total	Cost	G.S.T.	Total	
ADDITIONAL SERVICES										
- Youth	339.00	23.73	362.73				339.00	23.73	362.73	Tendered
- Social Services	330.00	23.10	353.10				330.00	23.10	353.10	Tendered
- Intermediate	363.00	25.41	388.41				363.00	25.41	388.41	Tendered
- Oversize	385.00	26.95	411.95				385.00	26.95	411.95	Tendered
Miscellaneous:										
- Tent In Cemetery	163.00	11.41	174.41				171.00	11.97	182.97	5%
- Rental of tent outside cemetery	223.00	15.81	238.81				234.00	16.38	250.38	5%
- Transfer fee \$40 + G.S.T.	47.00	3.29	50.29				49.00	3.43	52.43	4%
- Bronze Memorial Plaque for Columbarium Niche	332.00	23.24	355.24				349.00	24.43	373.43	5%
- Companion Vase on Columbarium Niche	65.00	4.55	69.55				68.00	4.76	72.76	5%
- Bronze Memorial Plaque for Cremorial	148.00	10.36	158.36				155.00	10.85	165.85	5%
- Supply, install and maintain flower bed to maximum three graves - per grave	118.00	8.26	126.26				124.00	8.68	132.68	5%
- Memorial Tree Planting, 12X10 stone, 6X8 Bronze Plaque 3 Lines	414.00	28.98	442.98				435.00	30.45	465.45	5%
- Memorial Bench - 8X5 Bronze plaque - 3 lines	591.00	41.37	632.37				621.00	43.47	664.47	5%
- Flower Pot Hanger	17.00	1.19	18.19				17.85	1.25	19.10	5%
- Temporary Marker	43.00	3.01	46.01				44.00	3.08	47.08	2%
Note: Special Lettering which carries an extra charge will be added to plaque charge										
NOTE : PERSONNAL COLUMBARIUM AND MAUSOLEUM ARE AVAILABLE ON INDIVIDUAL BASIS										
Family research \$2.00 per name										
CARE AND MAINTENANCE FUND										
- markers and upright monuments:							N/C			0%
- any flat marker under 173 sq. in.	N/C						50.00	3.50	53.50	0%
- any flat marker over 173 sq. in.							100.00	7.00	107.00	0%
- any upright monument <= 4 ft. in length/height							200.00	14.00	214.00	0%
- any upright monument over > 4 ft. in length/height										
Provincial Regulation - these funds are set and trusted										

Appendix "C" as referred to
in Section 9 of the Twelfth
Report of the Parks and
Recreation Committee for 1998

SCHEDULE OF USER FEES AND OTHER REVENUES

PUBLIC WORKS - CEMETERIES DIVISION

	1998				1999				% Increase Over 1998				
	Resident & Realty Taxpayers			Non-Residents	Resident & Realty Taxpayers			Non-Residents					
	Cost	G.S.T.	Total	Cost	G.S.T.	Total	Cost	G.S.T.		Total			
BURIALS AND REMOVALS													
<i>Opening and Closing</i>													
- 6 ft. Adult	548.00	38.22	584.22	655.00	45.85	700.85	573.00	40.11	613.11	688.00	48.16	736.16	5%
- 8 ft. Adult	734.00	51.38	785.38	881.00	61.67	942.67	771.00	53.97	824.97	925.00	64.75	989.75	5%
- 6 ft. Child	76.00	5.32	81.32	91.00	6.37	97.37	76.00	5.32	81.32	91.00	6.37	97.37	0%
- case up to 24"	161.00	11.27	172.27	193.00	13.51	206.51	161.00	11.27	172.27	193.00	13.51	206.51	0%
- case 25" to 42"	235.00	16.45	251.45	282.00	19.74	301.74	235.00	16.45	251.45	282.00	19.74	301.74	0%
- case 43" to 60"	306.00	21.42	327.42	367.00	25.69	392.69	306.00	21.42	327.42	367.00	25.69	392.69	0%
- case 61" to 72"	273.00	19.11	292.11	328.00	22.96	350.96	273.00	19.11	292.11	328.00	22.96	350.96	0%
- 8 ft. Child	327.00	22.89	349.89	392.00	27.44	419.44	327.00	22.89	349.89	392.00	27.44	419.44	0%
- case up to 60"	177.00	12.39	189.39	212.00	14.84	226.84	186.00	13.02	199.02	223.00	15.61	238.61	5%
- case 61" to 72"	65.00	4.55	69.55	78.00	5.46	83.46	68.00	4.76	72.76	82.00	5.74	87.74	5%
- Cremation	122.00	8.54	130.54	146.00	10.22	156.22	128.00	8.98	136.98	154.00	10.78	164.78	5%
- Memorial	448.00	31.36	479.36	538.00	37.66	575.66	470.00	32.90	502.90	564.00	39.48	603.48	5%
- Columbarium													
- Mansion of Memories (Stoney Creek)													
<i>Lowering (Includes Opening, Removal, Lowering, Closing)</i>													
- Adult - 6 ft. to 8 ft. - shell	2,207.00	154.49	2,361.49				2,317.00	162.19	2,479.19				5%
- Adult - 6 ft. to 8 ft. - concrete vault/crypt	1,838.00	128.68	1,966.68				1,930.00	135.10	2,065.10				5%
- Child - 6 ft. to 8 ft. - 5 to 10 years	783.00	54.81	837.81				822.00	57.54	879.54				5%
- Child - 6 ft. to 8 ft. - under 5 years	657.00	45.99	702.99				690.00	48.30	738.30				5%
<i>Removals</i>													
- Adult - Shell	2,009.00	140.63	2,149.63				2,109.00	147.63	2,256.63				5%
- Adult - Concrete vault or crypt	1,640.00	114.80	1,754.80				1,722.00	120.54	1,842.54				5%
- Child - Shell	694.00	48.58	742.58				729.00	51.03	780.03				5%
- Child - Concrete vault or crypt	568.00	39.76	607.76				596.00	41.72	637.72				5%
- Cremation	177.00	12.39	189.39				186.00	13.02	199.02				5%

- Monument Columbarium
- 40% of Grave and Lot sales goes into Care & Maintenance
- 20% of Mausoleum Crypt sales goes into Care & Maintenance
- 15% of Columbarium and Cremorial sales goes into Care & Maintenance

HAMILTON DEPARTMENT OF CULTURE AND RECREATION

AFFILIATION POLICY

HAMILTON MINOR SPORTS ORGANIZATIONS

PURPOSE OF POLICY:

The purpose of the policy is to provide principles and guidelines in determining the eligibility of non-profit volunteer Hamilton Minor Sports Organizations for priority use of City facilities at subsidized cost. The policy will also define the relationship between the City and the minor sports system.

GOALS OF THE POLICY:

1. To ensure that opportunities exist for children and youth to participate in organized and safe minor sports to the level of their interest and ability.
2. To ensure the ongoing success of the Hamilton Minor Sports System.
3. To ensure that appropriate levels of transparency, support and accountability are built into the Hamilton Minor Sports System.

GUIDING PRINCIPLES:

1. Minor sport in Hamilton is best served when operated and coordinated by volunteers operating within self-contained not for profit open and accountable organizations.
2. Executives of Hamilton's minor sports organizations must ensure transparency and accountability to its memberships.
3. The City of Hamilton will retain responsibility for the overall health of the Hamilton Minor Sports System based on clearly articulated goals, principles and values.
4. Subsidies may be made available to minor sports organizations who are prepared to meet the guidelines of the policy; non-compliance with guidelines negates subsidy and possibly, operation within City operated facilities.

CORE VALUES:

1. Participation in sport provides important opportunities for children and youth to develop a positive attitude towards physical health and an enhanced sense of the importance of fair play, sportsmanship and teamwork.
2. Children and youth should have the opportunity to play to the level (Recreational to Elite) of their capability and interest within an organized and safe minor sport system.
3. Participation in organized minor sport can and should be a positive experience for children and youth.
4. Sport volunteers must be prepared to develop an atmosphere conducive to producing a positive experience for the children and youth they serve and must be dedicated to demonstrating the behaviour of positive role models.
5. Exposure to Fair Play principles and sportsmanship must be critical elements of the sports experience.

CRITERIA FOR AFFILIATION:

In order to be deemed an "affiliated Hamilton minor sports organization" the following criteria must be entrenched in organizational constitutions and by-laws and adhered to on an ongoing basis:

1. The organization will be Hamilton-based; the mandate of the organization is to serve Hamilton children and youth; 95% of participants are City of Hamilton residents.
2. The organization supports the Goals, Principles and Core Values of the Affiliation Policy - Hamilton Minor Sports Organizations.
3. The organization acknowledges the oversight role of the City of Hamilton and agrees to submit to the Director of Culture and Recreation on an annual basis the following:
 - * financial statements
 - * updated registration numbers (detailed lists must be made available if requested for auditing purposes. Reasons for audit will be given with request)
 - * minutes of annual meetings
 - * current constitution and by-laws

and understands that the Director may make these documents available to interested parties upon receipt of a written request stating the reason for the enquiry. The Director shall advise the Organization of such request and prior to public disclosure consent will be sought from the organization.

Rationale: Prior to granting to individuals or the media copies of statements or reports, groups wish to advise of possible adverse effects to suppliers or advertisers, or to clarify accounting in order that no misunderstandings are printed or falsely promoted. Such consent may not be forthcoming.

4. a) The organization must practise the principles of, and be organized in a democratic structure and has included this practise within its constitution. A clear set of rules detailing and defining voting rights and membership must be maintained. Such rules and voting rights, and the ability to run for office must clearly provide access, and opportunity for timely succession based upon the voting rights of its members. Such structure must be in a form satisfactory to the City, be open to annual review and revision.
- b) It is recognized that elite level sports require extensive education, knowledge and experience; therefore, at this level the priorities must maintain stability, program quality, accountability and a process for succession that balances those unique organizational needs with the principles articulated in 4(a) and embodied in the constitution.
5. The organization will take all necessary measures to ensure that its members are kept informed of the business affairs of the organization and will make available to its members; a) financial profiles* b) financial statements** c) Constitution & By-laws d) Minutes of AGM Meetings.

***Definition**

Financial Profiles

Presented annually to all members to detail income and expense of the yearly operating program.

Any member of any organization may request to review Annual Financial Statement of it's organization. The member will advise the Executive in writing of such a request.

6. The organization will ensure all players are registered for insurance purposes, to a minimum level established by the governing body of the sport, and subject to the approval of the City of Hamilton.
7. All associated groups agree to the Police screening of volunteers.

8. All associated groups agree to the use of Certified Referees/Coaches as determined reasonable by their governing body and approved by the City.
9. Failing to adhere to 6, 7 and 8 may result in the associated group being denied access to subsidized City Facilities.
10. The organization agrees to non-binding mediation by the City of Hamilton to prevent unnecessary legal action between members.
11. The City of Hamilton shall:
 - recognize the autonomy of each democratic organization or group and support in principle its democratic decision making processes.
 - the City of Hamilton retains the right at all times to alter facility schedules, but agrees to advise all groups of any changes as early as possible, and no financial or substitute time shall be guaranteed; nonetheless, the City will make every possible effort to advise of changes, make available compensating time or contract other facilities to minimize any such impact.
12. The City of Hamilton shall, in conjunction with the organization/s, annually review the needs of the organization/s, in regards to expansion, quality, modifications, etc. of facilities.

BENEFITS OF AFFILIATION:

1. Affiliated minor sports organizations will have priority access to use of Hamilton sports facilities. Non-affiliated organizations will be given access to facilities only after requirements of all affiliated organizations have been accommodated, or, as determined by the City in adhering to principles of equity or access.
2. Affiliated minor sports organizations will be charged the subsidized rates for use of City facilities. Non-affiliated organizations will pay the rate as approved by the City of Hamilton acting reasonably.
3. Officials and volunteers of affiliated minor sports organizations will have priority access at discounted rates to City-hosted sports development seminars and will be recognized at the City's annual sport volunteer recognition banquet, or as determined by the City of Hamilton.
4. City staff will provide mediation and facilitation services to affiliated minor sports organizations.

AFFILIATION PROCESS:

1. An affiliation package will be delivered to minor sports organizations.
2. Duly authorized officials of the organization will complete the documentation, including a resolution of its membership supporting affiliation, and the terms and conditions of affiliation.
3. City officials will review application and forward recommendations for approval to the General Manager, Community Services Division for review and approval of affiliation.
4. An affiliation agreement will be signed by duly authorized City and organization representatives.

The terms and conditions of the affiliation agreement will be subject to annual review.

Appendix "E" as referred to in
Section 13 (a) of the TWELFTH
Report of the Parks and Recreation
Committee for 1998

SCHEDULE A
November 1998

PALZ
MEMBERSHIP AND FUND RAISING STRATEGIES

MEMBERSHIP

An aggressive membership campaign will include:

- Word of mouth by all members to people seen to be walking dogs in the city and region.
- Visits to all pet food, pet supply and pet service shops in the region to inform them of our existence.
- Leave posters and flyers in those establishments for the general public.
- Use local radio stations and press to announce meetings and public events.
- Host a Web Site to increase visibility.
- Have a booth at local events to increase our visibility in the community. These may include.
 - Wiggle Waggle Walkathon
 - Gage Park and Mohawk College Garage Sales
 - Local community festivals put on by BIAs.

NEWSLETTER

We will use a quarterly newsletter to keep our members informed which will also be a platform for targeted advertising. We will make space for ads available to the pet industry, which will raise funds. Potential customers for the advertisements are:

- Local Pet supply merchants
- Local Pet service merchants:
 - Grooming
 - Funeral
 - Photographers
 - Sitting
 - Transport
 - Training
- Local Veterinary Clinics
- Veterinary Pharmaceutical Companies

FUNDRAISING

- Use our attendance at community events to sell and or raffle donated items.
- Use our attendance at community events to sell specialty merchandise.
- Organize special events which may include:
 - Lectures by guest speakers, dinner/dances, bazaars, social outings, etc.
- Solicit Sponsorships from:
 - Local Pet supply merchants
 - Local Pet service merchants
 - Local Veterinary Clinics
 - Veterinary Pharmaceutical Companies
- Accept and acknowledge private donations from interested individuals.

Appendix "F" as referred to in
Section 13 (d) of the TWELFTH
Report of the Parks and Recreation
Committee for 1998

SCHEDULE "B"

- (1) Where a licence is issued pursuant to By-law 85-148 respecting Dog Licence Fees, the licence fees shall be increased by \$1.00 in each category for the purpose of funding leash free zones.

		1999 Base Fee	1999 Base Fee adjusted for Leash Free
1.	One spayed or neutered dog	\$20.00	\$21.00
2.	Each additional spayed or neutered dog	\$20.00	\$21.00
3.	One not spayed or neutered dog	\$40.00	\$41.00
4.	Each additional not spayed or neutered dog	\$40.00	\$41.00

- (2) Despite subsection 1, the following reduced fees apply to licences issued to dog owners over 65 years of age or dog owners who are receiving a disability pension.

1.	One spayed or neutered dog	\$ 5.00	\$ 6.00
2.	Each additional spayed or neutered dog	\$ 5.00	\$ 6.00
3.	One not spayed or neutered dog	\$10.00	\$11.00
4.	Each additional not spayed or neutered dog	\$10.00	\$11.00

REPORT OF THE PLANNING AND DEVELOPMENT COMMITTEE

To the Council of the Corporation of the City of Hamilton

Members of Council:

The Planning and Development Committee presents its **TWENTY-SECOND** Report for 1998 and respectfully recommends:

1. That approval be given to Zoning Application 98-39, Jadwiga Weiss, prospective owner, for a modification to the established "H" (Community Shopping and Commercial, etc.) District to permit a residential care facility (2nd level lodging home) to accommodate twenty (20) senior citizens within the existing building, for property located at 1800 King Street East, as shown on the attached map, marked as Appendix "A", on the following basis:
 - (a) That the "H" (Community Shopping and Commercial, etc.) District regulations as contained in Section 14 of Zoning By-law 6593, applicable to the subject lands be modified to include the following variances as special provisions:
 - (i) That notwithstanding Section 14(1)(i) of Zoning By-law No. 6593, the following use shall be permitted:
 - (1) a senior citizens "residential care facility" for the accommodation of a maximum of twenty (20) persons only within the building existing on the date of the passing of this by-law; and,
 - (ii) For the purpose of this By-law, a senior citizens "residential care facility" means a residential care facility within which all residents are at least 65 years of age or older and do not require probationary or custodial care governed by the terms of any court or parole board; and,
 - (iii) That Section 14(7) of Zoning By-law No. 6593, shall not apply to the subject lands; and,
 - (iv) That Section 18 A. (11) and 18A. (12) (a) of Zoning By-law No. 6593, shall not apply to the entire westerly lot line; and,
 - (v) That Section 18A. (24) (b) of Zoning By-law No. 6593, shall not apply only to the existing 3.66 m (12- 0') driveway adjacent to the existing building; and,
 - (vi) That a minimum landscape area of 23.0 % of lot area shall be provided and maintained on the lot; and,

- (vii) That a visual barrier not less than 1.8 m and not greater than 2.0 m in height shall be provided and maintained along the southerly, easterly and westerly lot lines adjacent to the rear yard; and,
 - (b) That the amending by-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-1420, and that the subject lands on Zoning District Map E-66 be notated S-1420; and,
 - (c) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-66, for presentation to City Council; and,
 - (d) That the proposed modification in zoning is in conformity with the Official Plan for the Hamilton Planning Area.
- 2.A. That approval be given to Subdivision Application 98-04, (Regional File No. 25T-98010) , Alfred Massi and Emidio Massi, owners to establish a draft plan of subdivision "Cornerstone Estates", on lands located south of Stone Church Road West and west of West Fifth Street in the Sheldon Neighbourhood, as shown on the attached map marked as Appendix "B", subject to the following conditions:
- (i) That this approval apply to the plan prepared by Urbex Engineering Limited and certified by Bryon Jacobs, O.L.S., dated August 20, 1998, as revised in red, showing 27 lots for single detached dwellings, 5 blocks to be developed with the abutting lands for single detached dwellings, 1 block for townhouse dwellings, 1 block for road widening purposes, 2 blocks for 0.30 m reserves, and two streets identified as Street "A" and Court "B", attached as Appendix "C"; and,
 - (ii) That Street "A" and Court "B" be named to the satisfaction of the City of Hamilton and the Region of Hamilton-Wentworth; and,
 - (iii) That the owner prepare and submit, to the satisfaction of the Director of Planning and Development a municipal street numbering plan; and,
 - (iv) That the owner shall erect a sign in accordance with Section XI of the Subdivision Agreement prior to the issuance of a final release by the City of Hamilton; and,
 - (v) That the final plan conform with the Zoning By-law approved under the Planning Act; and,
 - (vi) That the owner provide the City of Hamilton with a certified lost showing the net lot area and width of each lot and block and the gross area of the subdivision in the final plan; and,

- (vii) That the Owner make a cash payment in lieu of the conveyance of 5% of the land included in the plan to the City of Hamilton as provided for under Section 51 of the Planning Act; and,
- (viii) That such easements as may be required for utility or drainage purposes be granted to the appropriate authority; and,
- (ix) That the Owner agree to include the following warning clause to be registered on title of all Lots and Blocks within the plan of subdivision, and the owner shall ensure that the warning clause is included in all offers of purchase and sale and reservation agreements to the satisfaction of the Director of Planning and Development and the City Solicitor:

“Purchasers are advised that noise levels originating from Stone Church Road West and West 5th Street may become of concern, occasionally interfering with some activities of the occupant.”; and,
- (x) That the final plan be revised to provide for 9m radius transitions into and out of the cul-de-sac bulb on Court “B” to the satisfaction of the Commissioner, Regional Transportation Department; and,
- (xi) That the Owner prepare and implement a tree preservation/restoration plan to the satisfaction of the City Horticulturist, Department of Public Works and Traffic; and,
- (xii) That the Owner be responsible for all costs associated with the removal and/or replacement of any trees within the adjacent road allowance as determined by the City Horticulturist, Department of Public Works and Traffic; and,
- (xiii) That the final plan be revised such that the east-west section adjacent to Lots 10, 11 and 12 must align centreline-to-centreline with Pantano Drive on Registered Plan 62M-827 to the satisfaction of the Manager, Development Division, Regional Environment Department and the Director, Programme and Maintenance Division, Regional Transportation Department; and,
- (xiv) That the final plan be revised to provide for a 0.30 m reserve at the westerly limits of Court “B” to the satisfaction of the Manager, Development Division, Regional Environment Department and the Director, Programme and Maintenance Division, Regional Transportation Department; and,
- (xv) That the applicant prepare and implement an erosion and sediment control plan for the subject property to the satisfaction of the Manager, Development Division, Regional Environment Department and the Hamilton Region Conservation Authority. The approved plan is to include the following:
 - (1) All erosion and sediment control measures shall be installed prior to development and maintained throughout the construction process, until all

disturbed areas have been revegetated; and,

- (2) All erosion and sediment control measures shall be inspected after each rainfall, or alternatively every 14 days, to the satisfaction of the Manager, Development Division, Regional Environment Department and the Hamilton Region Conservation Authority; and,
 - (3) Any disturbed area not scheduled for further construction within 45 days shall be provided with a suitable temporary mulch and seed cover within 7 days of the completion of that particular phase of construction; and,
 - (4) All disturbed areas shall be revegetated with permanent cover immediately following completion of construction; and,
- (xvi) That the Owner prepare and implement a stormwater management plan for the subject property to the satisfaction of the Manager, Development Division, Regional Environment Department and the Hamilton Region Conservation Authority. The approved plan shall address stormwater quality and quantity issues and will ensure that current Provincial drainage and stormwater quality guidelines are implemented; and,
 - (xvii) That the Owner agree in writing that Blocks 28, 30, 32, 33 and 34 are to be developed in conjunction with the abutting lands; and,
 - (xviii) That the Owner dedicate Blocks 35 and 36, being 0.30 m reserves, to the Region of Hamilton-Wentworth; and,
 - (xix) That the Owner enter into a subdivision agreement with the City of Hamilton prior to the development of any portion of the subject lands; and,
 - (xx) That the Owner agree in writing to satisfy all requirements, financial and otherwise of the City of Hamilton; and,
- (b) That the Subdivision Agreement be entered into by the Corporation of the City of Hamilton and the owner to provide for compliance with the conditions of approval established by the Regional Municipality of Hamilton-Wentworth with respect to this application (SA-98-04/25T-98010), "Cornerstone Estates", proposed draft plan of subdivision and that the City execute the agreement when the said conditions have been met and the City's share of the cost of installing municipal services has been approved by City Council; and,
 - (c) That the City Clerk be directed to advise the Director, Development Division, Regional Environment Department of Council's decision.

- B. That approval be given to Amended Zoning Application 98-34, Alfred Massi and Emidio Massi, owners for changes in zoning from the established "AA" (Agricultural) District to "RT-20" (Townhouse - Maisonette) District (Block "1"), from "AA" (Agricultural) District to "R-4" (Small Lot Single Family) District (Block "2") and from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District (Block "3") for lands located south of Stone Church Road West and west of West Fifth Street in the Sheldon Neighbourhood, as shown on the attached map marked as Appendix "C", on the following basis:
- (a) That Block "1" be rezoned from "AA" (Agricultural) District to "RT-20" (Townhouse - Maisonette) District; and,
 - (b) That Block "2" be rezoned from "AA" (Agricultural) District to "R-4" (Small Lot Single Family) District; and,
 - (c) That Block "3" be rezoned from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District; and,
 - (d) That the Director of Planning and Development be authorized to prepare a by-law to amend Zoning By-law No. 6593 and Zoning District Map W-9C for presentation to City Council; and,
 - (e) That the proposed changes in zoning are in conformity with the Official Plan for the Hamilton Planning Area.
3. (a) That approval be granted to application CDM-CONV-98-012 (Regional File 25CDM-98017) submitted by Oak V Properties Incorporated, owner, for a draft plan of condominium for property located at No. 101 Queen Street South, as shown on the attached Plans marked as Appendix "D" and "E", to provide for a condominium comprised of 47 individual apartment condominium units, subject to the following conditions:
- (i) That this approval applies to the attached draft plans as revised in red dated September 3, 1998 and November 4, 1998 (Appendix "D" and "E") prepared by A.J. Clarke and Associates Ltd.; and,
 - (ii) That the owner enter into a Condominium Approval Agreement with the City incorporating these conditions of approval, including financial and other requirements of the City concerning roads, sidewalks, street lights and drainage, as the case may be, in a form satisfactory to the Corporate Counsel; and,

(iii) That prior to approval of the final plan:

- (1) property taxes shall be in good standing, plan of condominium shall conform with General Zoning By-law No. 6593 and the Official Plan, and,
- (2) any variances or rezoning required in respect of the draft plan of condominium shall have been approved by the Committee of Adjustment or Council, as the case may be, in order that the draft plan of condominium is in compliance with General Zoning By-law 6593; and,

In particular, and not limited to, a successful application to the Committee of Adjustment is required to address the non-conforming parking situation pertaining to a reduced width access door for the second level parking garage, reduced parking space widths in the second level parking garage, reduced parking space lengths in the basement level parking garage and reduced manoeuvring space, and,

- (3) the owner enter into an Encroachment Agreement with the Region of Hamilton-Wentworth for the card/key reader for the underground parking garage, the concrete retaining walls adjacent to the underground parking ramp and the concrete sidewalk on the north side of the property; and,

- (b) That the Municipal Clerk be directed to advise the Commissioner of the Regional Environment Department of Council's decision.

4. That Schedule 'B' of By-law No. 86-212, as amended, appointing the International Village B.I.A. Board of Management be repealed and the following names substituted:

SCHEDULE 'B'

Paul Kircos,	223-225 King Street East (owner)
Marie Petrou	181 and 183 King Street East (owner)
Gord Thompson	186, 190, 191 King Street East (owner)
Wolfgang Schoen	255 King Street East (owner)
Joe Collura	227 King Street East, Hotelevision (tenant)
Dean Taylor	233 King Street East, Hudsons (tenant)
John S. Kenyon	239 King Street East, JSK Pawnbrokers (tenant)

5. (a) That the 1999 operating budget for the International Village B.I.A., attached as Appendix "F" be approved in the amount of fifty-four thousand dollars (\$54,000);

(b) That the General Manager of Finance, be hereby authorized and directed to prepare the requisite by-law pursuant to Section 220, The Municipal Act, R.S.O. 1990, to levy the 1999 budget as referenced in (a) above; and,

(c) That the following schedule of payments for 1999 be approved:

January 01	\$27,000
July 01	\$27,000

NOTE: 1998 assessment appeals may be deducted from the 1999 levy payments.

6. That the Building Commissioner be authorized to issue a demolition permit for 18 Hixon Street in accordance with By-Law 74-290 pursuant to Section 33 of The Planning Act, as amended.
7. That the Building Commissioner be authorized to issue a demolition permit for 62 Wentworth Street North in accordance with By-Law 74-290 pursuant to Section 33 of The Planning Act, as amended.
8. That the Building Commissioner be authorized to issue a demolition permit for 64 Wentworth Street North in accordance with By-Law 74-290 pursuant to Section 33 of The Planning Act, as amended.
9.
 - (a) That approval be given to Part Lot Control Application 98-04, Paul Silvestri, owner, to remove part-lot control for Lots 1 – 15, inclusive, located in "Olmsted Park, Phase 1", Registered Plan 62M-864, known municipally as 15 – 54 Marilyn Drive, inclusive, for the purpose of establishing maintenance easements, as shown on the attached map marked as Appendix "G"; and,
 - (b) That the appropriate By-law to remove part lot control from Lots 1 – 15, inclusive, located in "Olmsted Park, Phase 1", Registered Plan 62M-864, be enacted by Council; and,
 - (c) That the exempting By-law be restricted to a 1 year effective time period to expire on December 15, 1999; and,
 - (d) That following the enactment of this By-law, the Commissioner, Regional Environment Department (as delegate of the Minister of Municipal Affairs and Housing) be requested to grant approval to the By-law and endorse the same on the By-law.

10. That a letter be sent to the Historic Sites and Monuments Board of Canada requesting that the Tivoli Theatre, located at 108-112 James Street North, Hamilton, be evaluated for recognition as a National Historic Site.
11. That the following citizen members be appointed to serve on the Local Architectural Conservation Authority Advisory Committee for a term to expire 2001 November 30:

Jerry Chlebowski
Reginald Wheeler

12. (a) (i) That an Agreement by Owner to Accept Compensation to be executed by A.S.A.P. Holdings Ltd., and scheduled to close on or before 1998 December 22, for the lands situated in the City of Hamilton, being composed of part Lot 14 on Registrar's Compiled Plan No. 1391, designated as Part 5 on Reference Plan 62R-14129, having a frontage of 8.546 metres (28.0 feet) along the southern limit of King Street East, and a depth of 80.80 metres (265.11 feet), designated as 248 King Street East, Hamilton, be approved and completed for the price of \$295,750; and,
- (ii) That the Mayor and Municipal Clerk be authorized and directed to execute the necessary documents, in a form satisfactory to the City/Regional Solicitor; and,
- (b) (i) That an Option to Purchase to be executed by Lewis Energy Management Inc., and scheduled to close on or before 1998 December 22, for the lands situated in the City of Hamilton, being composed of part of Lot 13 on Registrar's Compiled Plan No. 1391, having a frontage of 10.668 metres (35.0 feet) along the southern limit of King Street East, and a depth of 59.04 metres (193.71 feet), designated as 244 King Street East, Hamilton, be approved and completed for the purchase price of \$300,000; and,
- (ii) That the Option to Purchase be approved subject to the following conditions:
 - (1) (aa) It is understood and agreed that the closing of this transaction be conditional upon the City of Hamilton successfully acquiring from A.S.A.P. Holdings Ltd. the property located at 248 King Street East, Hamilton, described as part of Lot 14 on Registrar's Plan 1391, such closing to occur contemporaneously with the closing of the subject property at 244 King Street East; and,
 - (2) (bb) In the event that the City is not successful in the completion of the transactions set out in paragraph (a)(i), the herein Agreement shall be terminated and the deposit shall

immediately be returned to the City without interest or deduction; and,

- (iii) That the Mayor and Municipal Clerk be authorized and directed to execute the necessary documents, in a form satisfactory to the City/Regional Solicitor.

Recorded vote.

YEAS: Mayor Morrow, Aldermen Caplan, Horwath, Corsini, Morelli, Haining, Eisenberger, Collins, Charters, Jackson, Anderson, Kelly, D'Amico, O'Sullivan. -14.

NAYS: Aldermen Kiss and Copps. -2.

CARRIED.

13. That the following Bills be adopted, signed, sealed and enrolled as By-laws:

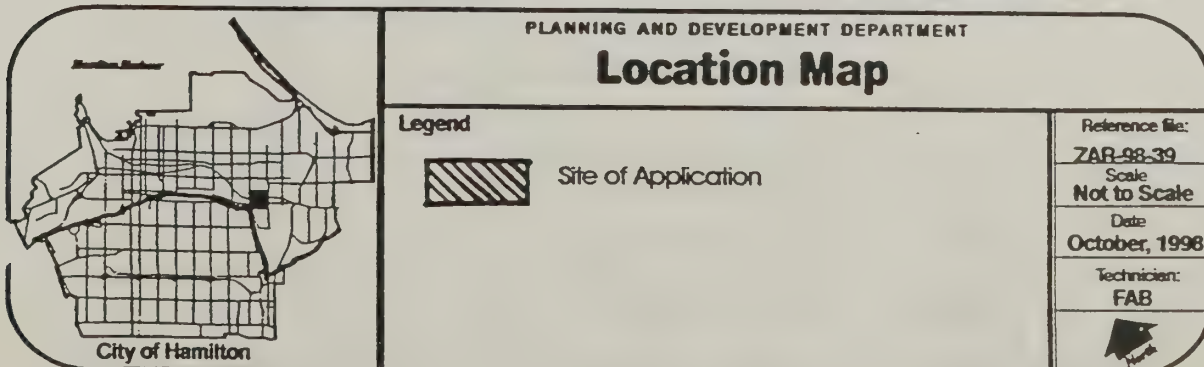
- (a) C-138 A By-law to Expropriate Land for Walkway and Municipal Purposes.
- (b) C-139 A By-law to Remove Land Within the "Olmsted Park, Phase 1" Subdivision, Plan 62M-864 from Part Lot Control.

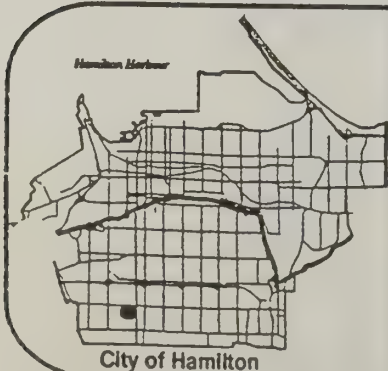
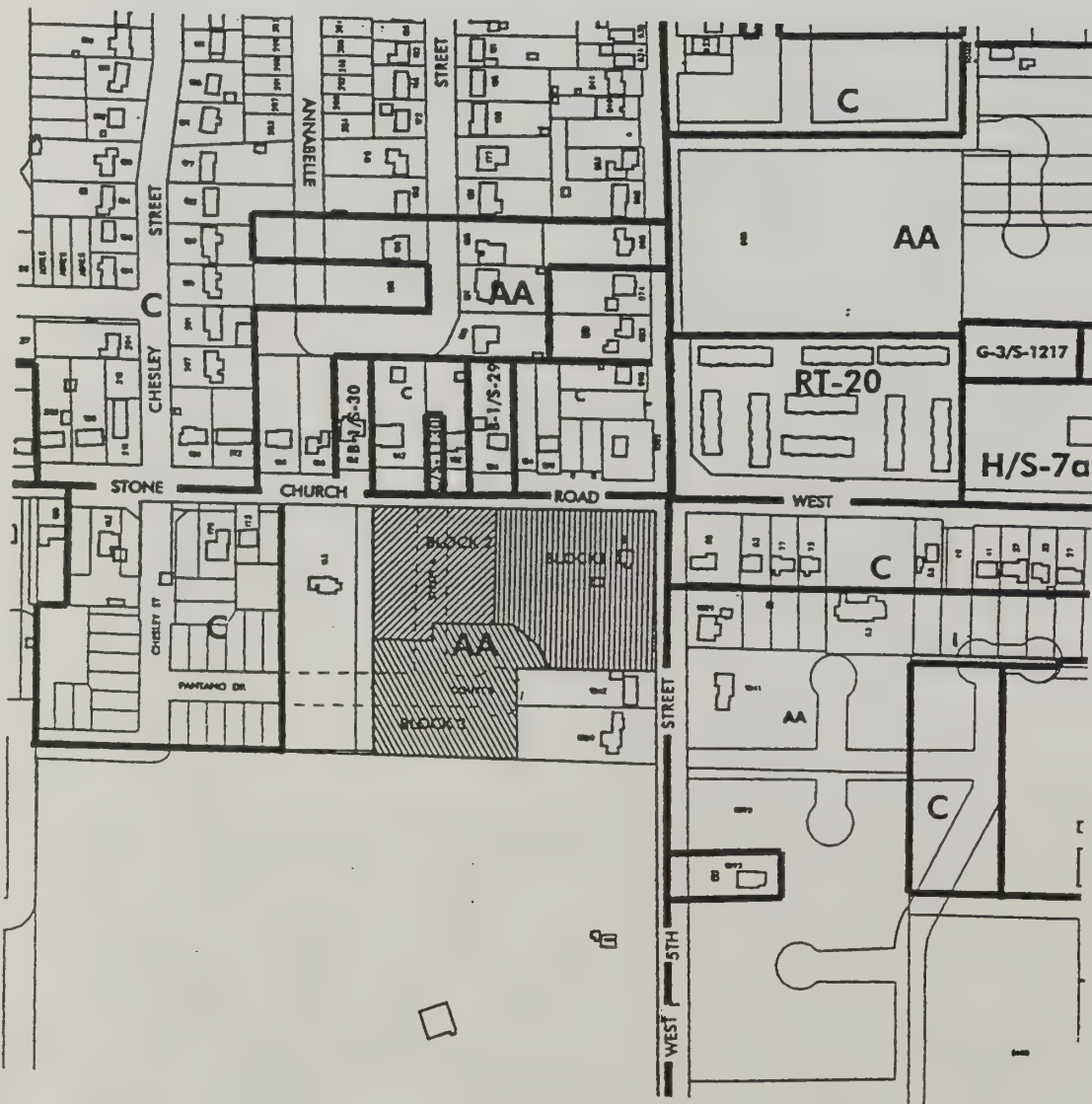
Respectfully submitted,

**ALDERMAN F. D'AMICO
PLANNING AND DEVELOPMENT
COMMITTEE**

**Tina Agnello, Secretary
1998 December 2**

1371





PLANNING AND DEVELOPMENT DEPARTMENT

Location Map

Legend



From "AA" (Agricultural) to "RT-20"
(Townhouse Masonette) District

From "AA" (Agricultural) to "R-4"
(Small Lot Single Family) District

From "AA" (Agricultural) to "C"
(Urban Protected Residential, etc.) District

Reference file:

ZAC-98-34

Scale

Not to Scale

Date

October, 1998

Technician:

J.Sims







~~Manitowish~~
INTERNATIONAL
Village

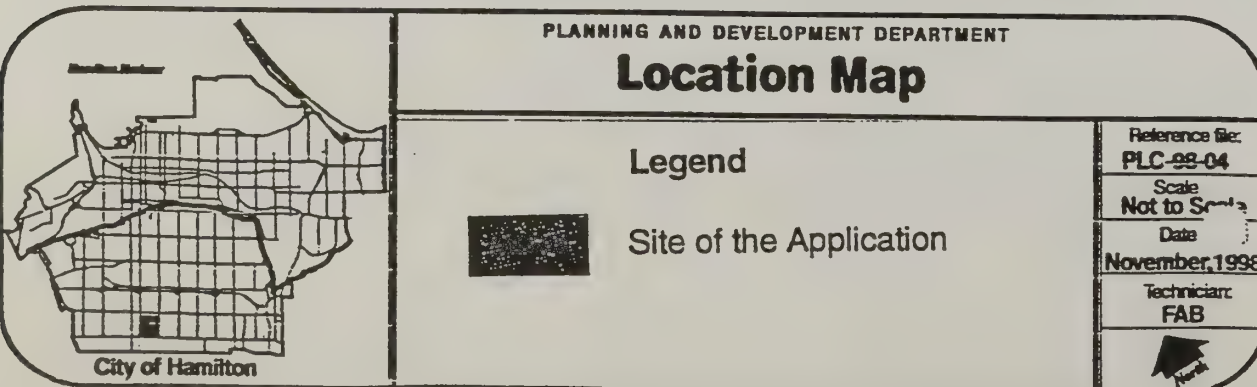
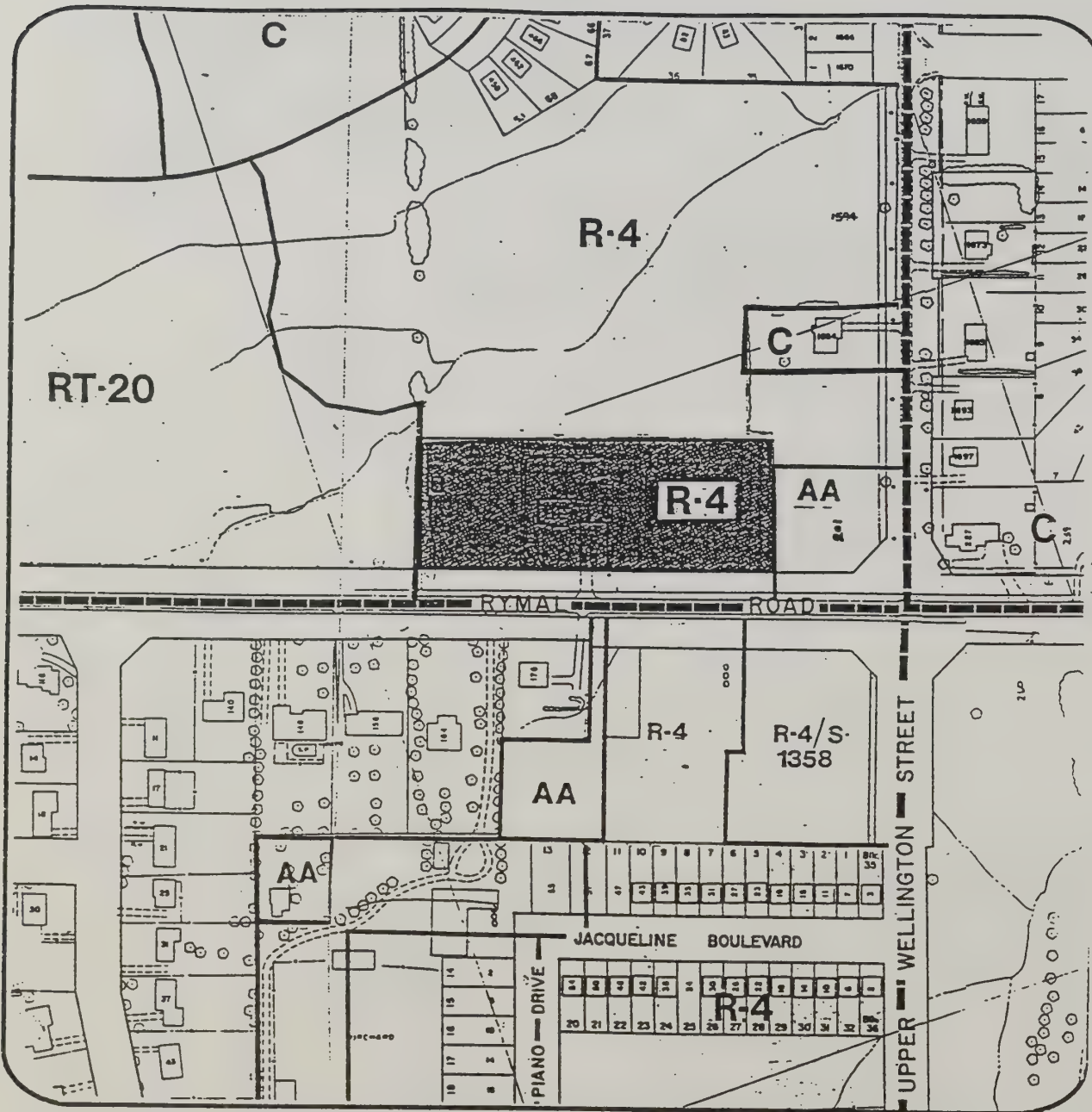
King Street East
between Wellington
and Mary

Approved Operating Budget 1999**OPERATIONS:**

Rent	\$2,000.00	
Utilities	2,300.00	
Telephone/FAX	2,000.00	
Office Supplies	1,500.00	
Equipment Repair	500.00	
Bank Charges	<u>250.00</u>	\$8,550.00

WAGES:

Executive Director	\$30,000.00	
Wage Costs	<u>3,300.00</u>	\$33,000.00
Insurance	\$1,400.00	
Audit Fees	400.00	
Printing, Postage	2,000.00	
Advertising, Promotion	<u>5,000.00</u>	\$8,800.00
Contingency Fund		<u>\$3,650.00</u>
TOTAL BUDGET		\$54,000.00



REPORT OF THE PLANNING AND DEVELOPMENT COMMITTEE

To the Council of the Corporation of the City of Hamilton

Members of Council:

The Planning and Development Committee presents its **TWENTY-THIRD** Report for 1998 and respectfully recommends

1. (a) That approval be given to Subdivision Application 98-05, (Regional File No. 25T-98012), 822827 Ontario Inc. (A. DiSilvestro, president), owner to establish a draft plan of subdivision "Wentwall Estates", on lands located west of Upper Wentworth Street and north of Rymal Road East, known municipally as 1620 Upper Wentworth Street in the Barnstown Neighbourhood, as shown on the attached map marked as Appendix "A", subject to the following conditions:
 - (i) That this approval apply to the plan, prepared by Urbex Engineering Limited and certified by J.P. Woolley, O.L.S., dated September 10, 1998, as revised in red, showing 35 lots for street townhouses, 2 blocks being 0.30 m reserves and 1 street identified as Street "A", attached as Appendix "B"; and,
 - (ii) That Street "A" be named from the list of reserved street names for the City of Hamilton to the satisfaction of the City of Hamilton and the Region of Hamilton-Wentworth; and,
 - (iii) That the owner prepare and submit, to the satisfaction of the Director of Planning and Development a municipal street numbering plan; and,
 - (iv) That the owner shall erect a sign in accordance with Section XI of the Subdivision Agreement prior to the issuance of a final release by the City of Hamilton; and,
 - (v) That the final plan conform with the Zoning By-law approved under the Planning Act; and,
 - (vi) That the owner provide the City of Hamilton with a certified list showing the net lot area and width of each lot and block and the gross area of the subdivision in the final plan; and,
 - (vii) That the Owner make a cash payment in lieu of the conveyance of 5% of the land included in the plan to the City of Hamilton as provided for under Section 51 of the Planning Act; and,

- (viii) That the Owner prepare and submit to the satisfaction of the Director of Planning and Development, the Commissioner of Transportation and the Commissioner of Public Works and Traffic the following plans:
- (1) A building envelope plan showing the building envelopes and on-site parking areas. A minimum 7.0 m front yard setback will be required; and,
 - (2) A driveway location plan indicating the driveways to each individual lot. The driveways must not overlap and should be located in a manner to maximize on-street parking; and,
- (ix) That the Owner agree to register on title for each individual Lot within the plan of subdivision the following covenants to the satisfaction of the Director of Planning and Development, the Commissioner of Transportation, the Commissioner of Public Works and Traffic and the City Solicitor:
- (1) a covenant showing the approved on-site parking; and,
 - (2) a covenant showing the approved driveway locations; and,
- (x) That the Owner agree to include the following warning clause to be registered on title of all Lots and Blocks within the plan of subdivision, and the owner shall ensure that the warning clause is included in all offers of purchase and sale and reservation agreements to the satisfaction of the Director of Planning and Development and the City Solicitor:
- “Purchasers are advised that noise levels originating from Upper Wentworth Street may become of concern, occasionally interfering with some activities of the occupant.”; and,
- (xi) That such easements as may be required for utility or drainage purposes be granted to the appropriate authority; and,
 - (xii) That the centreline of Street “A” at Upper Wentworth Street must align centreline to centreline with the access to the plaza on the east side of Upper Wentworth Street; and,
 - (xiii) That a minimum 4.0 m by 4.0 m daylight triangle at the L-shape bend in Street “A” be provided; and,
 - (xiv) That 1m by 1m daylight triangles at the Street “A” and Upper Wentworth Street be provided; and,

- (xv) That a minimum 10m radius transitions into and out of the cul-de-sac bulb be provided; and,
- (xvi) That the submitted draft plan be revised to show the Street "A" road alignment with the 18.0 metre road allowance to the satisfaction of the Commissioner of Transportation and the Manager, Development Engineering Section, Regional Environment Department; and,
- (xvii) That the applicant prepare and implement an erosion and sediment control plan for the subject property to the satisfaction of the Manager, Development Division, Regional Environment Department and the Hamilton Region Conservation Authority. The approved plan is to include the following:
 - (1) All erosion and sediment control measures shall be installed prior to development and maintained throughout the construction process, until all disturbed areas have been revegetated; and,
 - (2) All erosion and sediment control measures shall be inspected after each rainfall, or alternatively every 14 days, to the satisfaction of the Manager, Development Division, Regional Environment Department and the Hamilton Region Conservation Authority; and,
 - (3) Any disturbed area not scheduled for further construction within 45 days shall be provided with a suitable temporary mulch and seed cover within 7 days of the completion of that particular phase of construction; and,
 - (4) All disturbed areas shall be revegetated with permanent cover immediately following completion of construction; and,
- (xviii) That the Owner prepare and implement a stormwater management plan for the subject property to the satisfaction of the Manager, Development Division, Regional Environment Department and the Hamilton Region Conservation Authority. The approved plan shall address stormwater quality and quantity issues and will ensure that current Provincial drainage and stormwater quality guidelines are implemented; and,
- (xix) That the Owner enter into a subdivision agreement with the City of Hamilton prior to the development of any portion of the subject lands; and,
- (xx) That the Owner agree in writing to satisfy all requirements, financial and otherwise of the City of Hamilton, prior to development of any portion of these lands; and,

- (b) That the Subdivision Agreement be entered into by the Corporation of the City of Hamilton and the owner to provide for compliance with the conditions of approval established by the Regional Municipality of Hamilton-Wentworth with respect to this application (SA-98-04/25T-98012), "Wentwall Estates", proposed draft plan of subdivision and that the City execute the agreement when the said conditions have been met and the City's share of the cost of installing municipal services has been approved by City Council; and,
- (c) That the City Clerk be directed to advise the Director, Development Division, Regional Environment Department of Council's decision; and,
- (d) That the approved Barnstown Neighbourhood Plan be amended to redesignate the subject lands from "Medium Density Apartments" to "Attached Housing" and to add the proposed local street in accordance with the proposed plan of subdivision "Wentwall Estates", and that a notation be shown on the Neighbourhood Plan identifying the subject lands as requiring increase front yard setbacks from 6.0 m to 7.0 m.
- (e) That through the Site Plan Control review process the owner of the subject lands be required to provide a front yard setback of 7.0 m to ensure that the same off-street parking areas are available to residents which would normally have been available with a 20.0 m road allowance.

2.

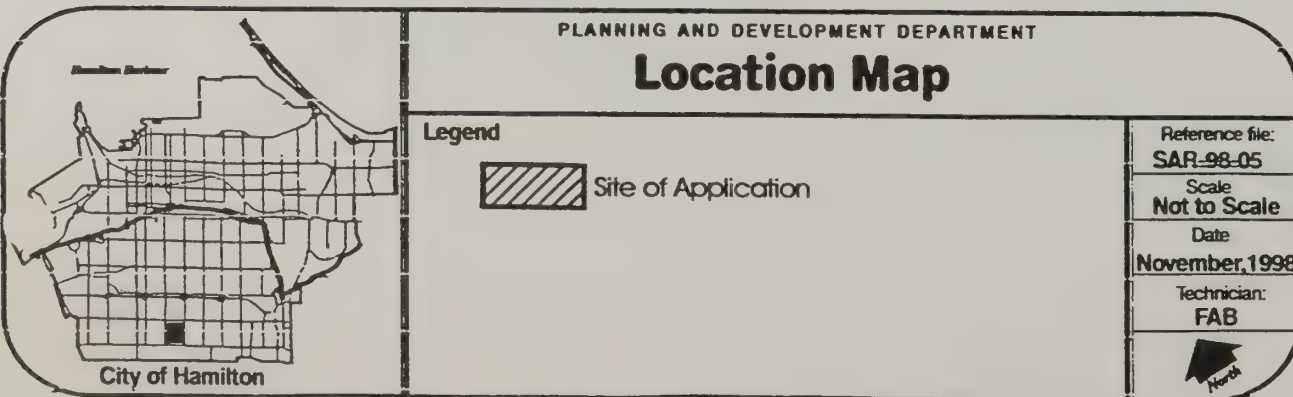
- (a) That subject to subsection (b) below, that the Building Commissioner be authorized to deny an application for a demolition permit for the building located at 260-280 King Street East, in accordance with Demolition Control By-law 74-290 pursuant to the demolition control provisions of the Planning Act (sec.33); and,
- (b) That the Building Commissioner be authorized to issue a demolition permit for the building located at 260-280 King Street East subject to the following conditions:
 - (i) the applicant has applied for and received a building permit for a sales office and model suite having a minimum area of 2,000 sq. ft.; and,
 - (ii) the said building permit specifies that the sales office and model suite be erected within two years of the demolition of the existing building on this property; and
 - (iii) the said building permit for the sales office and model suite specifies if such replacement building is not erected within the said two year time limit, that the City be paid the sum of \$15,000; and,

- (iv) the applicant be required to register on title to the subject property (prior to issuance of the said demolition permit), notice of these conditions (including the directions to the City Clerk listed below) in a form satisfactory to the Building Commissioner and to the City Solicitor; and,
 - (v) if the said sales office and model suite is not erected as required, the City Clerk be authorized to add the said sum to the collector's roll, which sum shall remain a lien upon the property until paid; and,
 - (b) That Section (2) of the 1st Report of the Planning and Development Committee adopted by Council 1997 December 11, be rescinded.
- 3.
- (a) That Corporate Counsel be requested to prepare a by-law to repeal City of Hamilton By-law No. 98-294 (By-law of Adoption for Hamilton O.P.A. No. 157); and,
 - (b) That Corporate Counsel be requested to prepare a by-law to repeal City of Hamilton By-law No. 98-295 (By-law Respecting Lands Located West of Eastport Drive, South of Pier 25 Known as Windermere Basin).
4. That the following Bills be adopted, signed, sealed and enrolled as By-laws:
- (a) C-140 A By-law to Repeal By-law No. 98-294 to Adopt Official Plan Amendment No. 157 Respecting Lands and Water Located West of Eastport Drive and South of Pier 25 (Windermere Basin).
 - (b) C-141 A By-law to Repeal Zoning By-law No. 98-295 Respecting Lands Located West of Eastport Drive, South of Pier 25 Known as Windermere Basin.

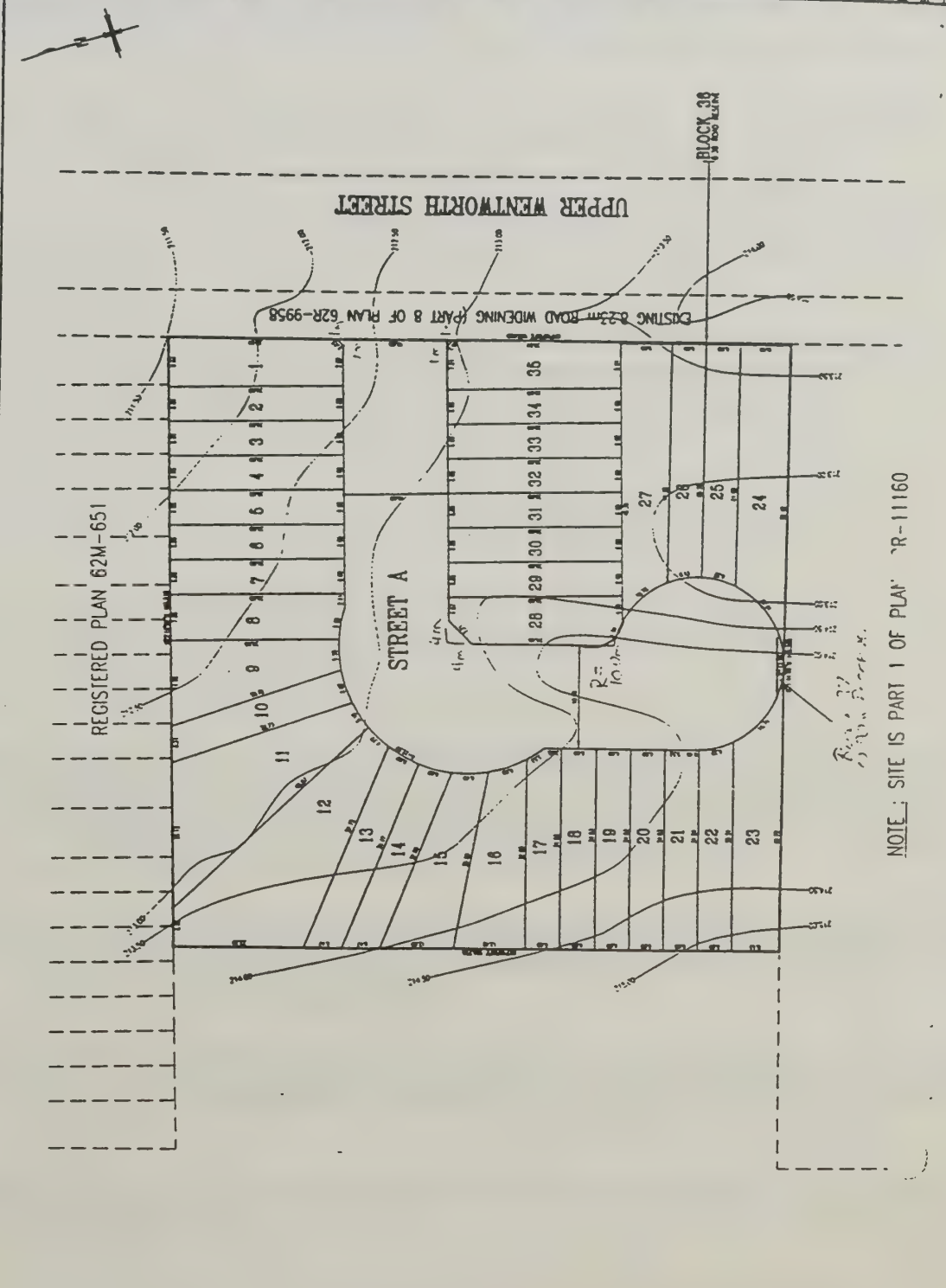
Respectfully submitted,

**ALDERMAN F. D'AMICO
PLANNING AND DEVELOPMENT
COMMITTEE**

**Tina Agnello, Secretary
1998 December 8**



PROPOSED DRAFT PLAN OF SUBDIVISION FOR BERTRAM ESTATES STREET TORONTO, ONTARIO being a part of Lot 1, Sections 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 387, 388, 389, 390, 391, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, 495, 496, 497, 498, 499, 500, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 628, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 81	
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REPORT OF THE FINANCE AND ADMINISTRATION COMMITTEE

To the Council of the Corporation of the City of Hamilton

Members of Council:

The Finance and Administration Committee presents its **TWENTY-FOURTH** Report for 1998 and respectfully recommends:

1. (a) That the City be authorized to temporarily borrow monies to meet current budget expenditures for 1999 pending receipt of current revenues; and,

 (b) That the appropriate borrowing by-law be approved.

2. (a) That the City be authorized to enter into Extension Agreements, if required, in a form satisfactory to the City/Regional Solicitor and the General Manager, Finance, pursuant to Section 8 of the Municipal Tax Sales Act, with the owners of property at:

 (i) 98 West Avenue North
 (ii) 39 Rutherford Avenue

 to extend the time open for payment of realty tax arrears in accordance with the policy for extension agreements approved by City Council on 1994 June 28; and,

 (b) That the by-law to authorize the said Extension Agreements be enacted by Council; and,

 (c) That the Mayor and Municipal Clerk be authorized to execute the aforesaid by-law and extension agreements.

3. That the analysis of the transactions of the City's Development Charges Reserve for the year 1997, attached herewith and marked Appendix "A", be received.

4. That Outstanding Business Taxes in the amount of \$670,838.07 be written-off in accordance with Section 441 of the Municipal Act, R.S.O. 1990 and charged to Account CH53401 24106, Tax Write-offs.

5. That as referred to in Section 10 of the Eleventh Report for 1998 of the Parks and Recreation Committee, approved by City Council on November 10th, 1998, that an amount of \$11,900 representing utility arrears owing by the Rosedale Tennis Club for 1984 be written off and charged to Account CH 15401, Write Offs. **AMENDED.**

Recorded vote.

YEAS: Mayor Morrow, Aldermen Kiss, Caplan, Horwath, Corsini, Morelli, Haining, Eisenberger, Charters, Jackson, Anderson, Kelly, D'Amico, O'Sullivan. -14.

NAYS: Aldermen Copps, Wilson, Collins. -3.

CARRIED.

6. (a) That the Jamesville Business Improvement Area liability of \$4,532.13 be written off against the Reserve for Allowance for Doubtful Accounts, Centre Number 00131; and,
- (b) That the G.S.T. Taxes and interest payable with respect to the disallowance of the claim for a rebate on the Expense Allowance of Municipal Officers and the Local Grant, in the amount of \$28,577.38 plus interest, be charged against the Provision for Reserve for Contingency, Centre Number 00115; and,
- (c) That the Usarco spill cleanup costs of \$78,100.08 be written off against the Reserve for Allowance for Doubtful Accounts, Centre Number 00131.
7. That staff be authorized to call for proposals for the acquisition of a new property taxation system for the City of Hamilton.
8. (a) That the Federal Government be requested to declare homelessness a National Disaster which requires immediate short and long term relief, and that the Federal, Provincial, and Municipal Governments co-operate to develop and implement a National Homelessness Relief and Prevention Strategy; and,
- (b) That there be a call for immediate Federal action on this front, including action on the creation of a senior Federal Cabinet Committee with a clear mandate, and the necessary resources to take action; and,
- (c) That FCM's request for a meeting with the Federal Cabinet Committee dealing with the housing and homelessness to discuss the option document and an Action Plan, be endorsed; and,
- (d) That a meeting be scheduled with the appropriate M.P.'s and M.P.P.'s in our area to address this issue; and,

- (e) That the creation of a National Homelessness issue Web Site developed as part of the FCM web site, with links to good local sites across the country including information on local solutions and best practices for housing be endorsed and that a link to the Region's own Web page be included; and,
 - (f) That FCM be requested to put the critical issue of housing and homelessness on the agenda of a full FCM Plenary Session, at the 62nd Annual Meeting of the FCM (June 4-7, 1999) in Halifax; and,
 - (g) That Mark Mascarenhas be designated for input into a "National Housing Policy Options" Team at FCM who will develop, within 3 months, a document of real options for national circulation; and,
 - (h) That the Province of Ontario be requested to increase total funding to Municipalities for homelessness initiatives and that the funding allocation be revised to more accurately address need for services. **AMENDED.**
9. That the Mayor, the Chairman of the Finance and Administration Committee, and five members of City Council be authorized to attend the 62nd Annual Conference of the Federation of Canadian Municipalities being held on June 4 – 7, 1999 in Halifax, Nova Scotia.
10. (a) That staff be authorized to participate in non-binding mediation of the claim in Ontario Court General Division Action No. 12037/96, **St. Elizabeth Home Society (Hamilton, Ontario) v The City of Hamilton, et al;** and, **AMENDED.**
- (b) That the City/Regional Solicitor's designate be authorized to execute any necessary documentation, in form and content satisfactory to the designate to confirm the City's participation and commit the City to paying its share of expenses of the mediation (City's portion of the expense of the mediator of this Action are estimated not to exceed \$8,500)
11. (a) That Council endorse the actions of the General Manager, Community Services Division, in authorizing emergency removal of contaminated soils in Fire Station No. 8, Melvin and Woodward, on the basis of legislated requirements of property owners to remove any uncovered environmental hazardous material from construction sites; and,

- (b) That approval be given to increase the Purchase Order issued previously to James Kemp Construction Ltd., Hamilton, as the General Contractor by (\$15,000) plus (\$1,050) in applicable GST, to undertake the emergency removal and disposal work; and,
- (c) That the relevant contract be amended by the City/Regional Solicitor to reflect the changes; and,
- (d) That the Finance and Administration Committee be requested to recommend a source of funding for the amount of \$15,000.

12. That the following Bills be adopted, signed, sealed and enrolled as By-laws:

- (a) D-59 A By-law to Authorize the Temporary Borrowing of Monies to meet Current Expenditures pending Receipt of Current Revenues.
- (b) D-60 A By-law to Authorize an Extension Agreement for Payment of Realty Tax Arrears.
- (c) D-61 A By-law to Amend By-law No. 98-217 Respecting The Levying of Taxes for the Year 1998.
- (d) D-62 A By-law to Confirm the Proceedings of the Council of The Corporation of the City of Hamilton.

- 13. (a) That the General Manager, Community Services and the Acting Fire Chief be authorized to enter into agreements, in conjunction with the Hamilton-Wentworth Region Police Services Board, with Intergraph Public Safety Canada Ltd. for the supply, installation and servicing of a computer aided dispatch system; and,
- (b) That the General Manager, Community Services and the Acting Fire Chief be authorized to enter into leasing arrangements with a preferred vendor to be chosen from a Request for Proposals undertaken by the Police Services Board and closing on 1998 December 9; and,
- (c) That these arrangements be in a form satisfactory to the Municipal Solicitor; and,
- (d) That the costs totalling \$599,400.21 for the system and ancillary costs related to the set up of the system, as confirmed in a quote received by the preferred vendor be financed from Account Number 4010 489151003 – Computer Aided Dispatch.
ADDED AND REFERRED TO THE FINANCE AND ADMINISTRATION COMMITTEE.

14. Whereas the Asian and Russian economic crises have contributed to a flood of steel imports into Canada at record-low prices; and,

Whereas the value of steel imported from Russia increased by 50 percent in the first half of 1998 over the first half of 1997; imports from Japan increased by 57 percent; and imports from Korea increased by over 500 percent in the first eight months of 1998 alone; and,

Whereas prices for almost every primary steel product have dropped by as much as 25 percent since the beginning of 1998; and,

Whereas the low-price imported steel threatens the viability of every steel producer in Canada; and,

Whereas the potential impact on our community and its families of the growing steel imports crisis is devastating, threatening thousands of jobs directly and indirectly;

Therefore be it resolved that the City of Hamilton calls on the Canadian government to apply Canadian trade law quickly and effectively against this blatantly unfair competition, and further, to consider and explore any other extraordinary measure possibly available to Canada under its various trade agreements to deal with this unacceptable threat to our community's future.

ADDED.

Respectfully submitted,

**ALDERMAN D. WILSON, CHAIRMAN
FINANCE AND ADMINISTRATION COMMITTEE**

Susan K. Reeder,
Secretary
1998 December 1

Development Charge Reserve Fund
Statement of Continuity
Period January 01, 1997 to December 31, 1997

	Total	Indoor Recreation	Outdoor Recreation	Library Buildings & Materials	Traffic Signals	Parkland Acquisition	Vehicles & Equipment	Studies	Engineering (area specific)	Storm Water Retention	Fire Stations
	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$
Balance as at Jan 01, 1997	5,189,508	1,634,628	1,232,478	918,557	(14,899)	166,484	43,500	871	444,089	(52,499)	816,299
Development charges received or receivable	1,115,655	260,760	326,677	126,660	8,626	206,741	54,020	1,082	131,089	0	0
Development charges refunded	(6,335)	(1,481)	(1,855)	(719)	(49)	(1,174)	(307)	(6)	(744)	0	0
Interest earned	184,066	51,354	48,458	34,711	(840)	7,047	3,231	65	19,090	(1,745)	22,695
	6,482,894	1,945,261	1,805,758	1,079,209	(7,162)	379,098	100,444	2,012	593,524	(54,244)	838,994
Transferred to:											
Capital Fund	(160,000)	0	0	0	0	(160,000)	0	0	0	0	0
Amounts allocated:											
Reduction of current debentures	(600,000)	(348,569)	(99,116)	0	(18,946)	0	0	0	0	0	(133,369)
Balance as at December 31, 1997	5,722,894	1,596,692	1,508,642	1,079,209	(26,108)	219,098	100,444	2,012	593,524	(54,244)	705,625

REPORT OF THE NOMINATING COMMITTEE

To the Council of the Corporation of the City of Hamilton.

The Nominating Committee presents its **EIGHTH** Report for 1998 and respectfully recommends:

1. That the following citizen members be appointed to serve on the Hamilton Entertainment and Convention Facilities Inc. for a term to expire 2001 December 31:
Robert Baboth
Brenda Campbell
William Ingleby
2. That the following Members of City Council be appointed to serve on the Committee of Adjustment for a term to expire 1999 December 8:
Alderman D. Haining
Alderman B. Charters
3. That the following Members of City Council (minimum of five) be appointed to serve on the Selection Committee for a term to expire 1999 December 8:
Alderman M. Kiss
Alderman M. Caplan
Alderman B. Morelli
Alderman D. Haining
Alderman B. Charters
Alderman T. Anderson
Alderman D. O'Sullivan
4. That the following Members of City Council be nominated to serve on the Hamilton Health Sciences Corporation for the 1999-2000 term of office:
Alderman M. Kiss
Alderman M. Caplan
Alderman F. Eisenberger
Alderman B. Kelly
*Alderman F. D'Amico

*** Nominating and Governance Committee**

Respectfully Submitted,

**Mayor R. M. Morrow, Chairman
Nominating Committee**

**J. J. Schatz, Secretary
1998 December 8**

Minutes of the Special Meeting of City Council
Tuesday, 1998 December 15
10:50 o'clock p.m.
Webster Rooms A, B & C
Hamilton Convention Centre

The Council met:

Present: Mayor R. M. Morrow, Chairman.
Aldermen M. Kiss, M. Caplan, A. Horwath, R. Corsini, B. Morelli,
D. Haining, D. Wilson, G. Copps, C. Collins, F. Eisenberger, T. Jackson,
B. Charters, T. Anderson, B. Kelly, F. D'Amico, D. O'Sullivan.

Mayor R. M. Morrow called the meeting to order.

* * * * *

It was moved by Alderman Kiss and seconded by Alderman Copps that the Reports of the Finance and Administration Committee be now considered in Committee of the Whole. The Council then went into Committee of the Whole with Mayor Morrow in the Chair.

Recorded vote.

YEAS: Mayor Morrow, Aldermen Kiss, Horwath, Corsini, Morelli, Haining, Wilson, Copps, Collins, Eisenberger, Jackson, Charters, Anderson, Kelly, D'Amico, O'Sullivan. -16.

NAYS: -0.

CARRIED.

* * * * *

FINANCE AND ADMINISTRATION COMMITTEE - TWENTY-SIXTH REPORT

Section 1 Re: Establishment of Budget Steering Committee

It was moved by Alderman Wilson and seconded by Alderman Kelly that subsection (a) of Section 1 of the Twenty-sixth Report of the Finance and Administration Committee be deleted in its entirety and replaced with the following in lieu thereof:

- (a) That the Chairmen of the Finance and Administration Committee and the Finance and Administrative Services Committee convene a special joint meeting in the first week of January to define the political role of Councils in the overall co-ordination of the budget process, and establish a Budget Steering Committee, and that the City Manager bring a report on savings to that meeting. **CARRIED.**

* * * * *

Section 2 Re: Establishment of a Manager of Corporate Communications

Recorded vote.

YEAS: Mayor Morrow, Aldermen Kiss, Horwath, Corsini, Morelli, Haining, Wilson, Collins, Eisenberger, Jackson, Charters, Anderson, Kelly, D'Amico, O'Sullivan. -15.

NAYS: Alderman Copps -1.

CARRIED.

* * * * *

Section 6 Re: Establishment of Joint Regional Finance and Administrative Services Committee/City Finance and Administration Committee

It was moved by Alderman Wilson and seconded by Alderman Kelly that Section 6 of the Twenty-sixth Report of the Finance and Administration Committee be amended by deleting the word "restructured". **CARRIED.**

* * * * *

Section 7 Re: Financing of Acquisition Costs of Properties at 244 and 248 King St. East

Recorded vote.

YEAS: Mayor Morrow, Aldermen Kiss, Horwath, Corsini, Morelli, Haining, Wilson, Collins, Eisenberger, Jackson, Charters, Anderson, Kelly, D'Amico, O'Sullivan. -15.

NAYS: Alderman Copps -1.

CARRIED.

* * * * *

Rule No. 9 Re: Windermere Basin Area

It was moved by Alderman D'Amico and seconded by Alderman Charters that Rule No. 9 be invoked for this meeting of City Council in order to permit consideration of a resolution and Bill respecting the Windermere Basin Area. **CARRIED.**

* * * * *

The following was moved by Alderman D'Amico and seconded by Alderman Charters:

1. (a) That upon advice provided by Corporate Counsel regarding the validity of portions of Zoning By-laws No. 83-232 and By-law No. 83-240 as amended by By-law No. 83-259 in regard to Windermere Basin, City Council direct that a study be undertaken in respect of land use policies in the Windermere Basin Special Study Area.
- (b) That Corporate Counsel, in consultation with the Planning and Development Department, report back to the next meeting of the Planning and Development Committee with respect to the required study.
2. That the following Bill be adopted, signed, sealed and enrolled as a By-law

D-64: A By-law to establish Interim Control respecting lands located west of Eastport Drive, south of Pier 25 known as Windermere Basin.

CARRIED.

* * * * *

It was moved by Alderman Kiss and seconded by Alderman Copps that the Report of the Committee of the Whole on the Reports of the Finance and Administration Committee, be adopted.

Recorded vote.

YEAS: Mayor Morrow, Aldermen Kiss, Horwath, Corsini, Morelli, Haining, Wilson, Copps, Collins, Eisenberger, Jackson, Charters, Anderson, Kelly, D'Amico, O'Sullivan. -16.

NAYS: -0.

CARRIED.

* * * * *

City Council then adjourned at 10:55 o'clock p.m.

* * * * *

Taken as read and approved.

MAYOR R. M. MORROW
CHAIRMAN

J. J. Schatz, City Clerk
1998 December 15
JJS/bc

**URBAN
MUNICIPAL**

Minutes of the Special Meeting of City Council
Tuesday, 1998 December 15
10:50 o'clock p.m.
Webster Rooms A, B & C
Hamilton Convention Centre

URBAN MUNICIPAL

DEC 21 1998

The Council met:

GOVERNMENT DOCUMENTS

Present: Mayor R. M. Morrow, Chairman.
Aldermen M. Kiss, M. Caplan, A. Horwath, R. Corsini, B. Morelli,
D. Haining, D. Wilson, G. Copps, C. Collins, F. Eisenberger, T. Jackson,
B. Charters, T. Anderson, B. Kelly, F. D'Amico, D. O'Sullivan.

Mayor R. M. Morrow called the meeting to order.

It was moved by Alderman Kiss and seconded by Alderman Copps that the Reports of the Finance and Administration Committee be now considered in Committee of the Whole. The Council then went into Committee of the Whole with Mayor Morrow in the Chair.

Recorded vote.

YEAS: Mayor Morrow, Aldermen Kiss, Horwath, Corsini, Morelli, Haining, Wilson, Copps, Collins, Eisenberger, Jackson, Charters, Anderson, Kelly, D'Amico, O'Sullivan. -16.

NAYS: -0.

CARRIED.

FINANCE AND ADMINISTRATION COMMITTEE - TWENTY-SIXTH REPORT

Section 1 Re: Establishment of Budget Steering Committee

It was moved by Alderman Wilson and seconded by Alderman Kelly that subsection (a) of Section 1 of the Twenty-sixth Report of the Finance and Administration Committee be deleted in its entirety and replaced with the following in lieu thereof:

- (a) That the Chairmen of the Finance and Administration Committee and the Finance and Administrative Services Committee convene a special joint meeting in the first week of January to define the political role of Councils in the overall co-ordination of the budget process, and establish a Budget Steering Committee, and that the City Manager bring a report on savings to that meeting. **CARRIED.**

* * * * *

Section 2 Re: Establishment of a Manager of Corporate Communications

Recorded vote.

YEAS: Mayor Morrow, Aldermen Kiss, Horwath, Corsini, Morelli, Haining, Wilson, Collins, Eisenberger, Jackson, Charters, Anderson, Kelly, D'Amico, O'Sullivan. -15.

NAYS: Alderman Copps -1.

CARRIED.

* * * * *

Section 6 Re: Establishment of Joint Regional Finance and Administrative Services Committee/City Finance and Administration Committee

It was moved by Alderman Wilson and seconded by Alderman Kelly that Section 6 of the Twenty-sixth Report of the Finance and Administration Committee be amended by deleting the word "restructured". **CARRIED.**

* * * * *

Section 7 Re: Financing of Acquisition Costs of Properties at 244 and 248 King St. East

Recorded vote.

YEAS: Mayor Morrow, Aldermen Kiss, Horwath, Corsini, Morelli, Haining, Wilson, Collins, Eisenberger, Jackson, Charters, Anderson, Kelly, D'Amico, O'Sullivan. -15.

NAYS: Alderman Copps -1.

CARRIED.

* * * * *

Rule No. 9 Re: Windermere Basin Area

It was moved by Alderman D'Amico and seconded by Alderman Charters that Rule No. 9 be invoked for this meeting of City Council in order to permit consideration of a resolution and Bill respecting the Windermere Basin Area. **CARRIED.**

* * * * *

The following was moved by Alderman D'Amico and seconded by Alderman Charters:

1. (a) That upon advice provided by Corporate Counsel regarding the validity of portions of Zoning By-laws No. 83-232 and By-law No. 83-240 as amended by By-law No. 83-259 in regard to Windermere Basin, City Council direct that a study be undertaken in respect of land use policies in the Windermere Basin Special Study Area.
- (b) That Corporate Counsel, in consultation with the Planning and Development Department, report back to the next meeting of the Planning and Development Committee with respect to the required study.
2. That the following Bill be adopted, signed, sealed and enrolled as a By-law

D-64: A By-law to establish Interim Control respecting lands located west of Eastport Drive, south of Pier 25 known as Windermere Basin.

CARRIED.

* * * * *

It was moved by Alderman Kiss and seconded by Alderman Copps that the Report of the Committee of the Whole on the Reports of the Finance and Administration Committee, be adopted.

Recorded vote.

YEAS: Mayor Morrow, Aldermen Kiss, Horwath, Corsini, Morelli, Haining, Wilson, Copps, Collins, Eisenberger, Jackson, Charters, Anderson, Kelly, D'Amico, O'Sullivan. -16.

NAYS: -0.

CARRIED.

* * * * *

City Council then adjourned at 10:55 o'clock p.m.

* * * * *

Taken as read and approved.

MAYOR R. M. MORROW
CHAIRMAN

J. J. Schatz, City Clerk
1998 December 15
JJS/bc



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